

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 6, 1973, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1501. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for accelerated energy research and development efforts (H. Doc. No. 93-175); to the Committee on Appropriations and ordered to be printed.

1502. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report on the Federal contributions program of civil defense equipment and facilities for the quarter ended September 30, 1973, pursuant to section 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1503. A letter from the Assistant Secretary of State for congressional relations, transmitting a report on assistance-related funds obligated for Cambodia during the first quarter of fiscal year 1974, pursuant to section 655 (f) of the Foreign Assistance Act of 1961, as added by Public Law 92-226; to the Committee on Foreign Affairs.

1504. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

1505. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Information Agency; to the Committee on Foreign Affairs.

1506. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a draft of proposed legislation to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes; to the Committee on Foreign Affairs.

1507. A letter from the Chairman U.S. Water Resources Council, transmitting the Council's report on the Pearl River comprehensive basin study, Mississippi and Louisiana, pursuant to Public Law 89-90; to the Committee on Interior and Insular Affairs.

1508. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the operation of a public transportation service between San Francisco and Alcatraz Island, Calif., for a term ending December 31, 1978, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1509. A letter from the Secretary of Transportation, transmitting a report on the administration of the Emergency Rail Facilities Restoration Act, pursuant to section 11 of the act (Public Law 92-591); to the Committee on Interstate and Foreign Commerce.

1510. A letter from the Secretary of Transportation, transmitting a report on a study of automobile odometers, pursuant to title IV of the Motor Vehicle Information and Cost Savings Act of 1972; to the Committee on Interstate and Foreign Commerce.

1511. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

1512. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of two aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(28)(I)(ii)(b)]; to the Committee on the Judiciary.

1513. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the Act [8 U.S.C. 1182(d)(6)]; to the Committee on the Judiciary.

1514. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254(c)(1)]; to the Committee on the Judiciary.

1515. A letter from the Acting Attorney General, transmitting a draft of proposed legislation to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969; to the Committee on Post Office and Civil Service.

1516. A letter from the Administrator of General Services, transmitting a report of a building project survey under the Public Buildings Act of 1959, as amended, for Palmer, Alaska; to the Committee on Public Works.

#### RECEIVED FROM THE COMPTROLLER GENERAL

1517. A letter from the Comptroller General of the United States, transmitting a report that consumer protection would be increased if the Animal and Plant Health Inspection Service, Department of Agriculture, improved its administration of intrastate meat plant inspection programs; to the Committee on Government Operations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 9142. A bill to restore, support, and maintain modern efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; with amendment (Rept. No. 93-620). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Submitted Monday, Nov. 5, 1973]

By Mr. ALEXANDER (for himself, Mr. MELCHER, Mr. VIGORITO, Mr. BROWN of California, Mr. MATHIS of Georgia, and Mr. BAKER):

H.R. 11254. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. HEBERT:

H. Res. 680. Resolution authorizing the printing of proceedings unveiling the portrait of the late Hon. Philip J. Philbin; to the Committee on House Administration.

#### MEMORIALS

Under clause 4 of rule XXII,

325. The Speaker presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to the Charles River watershed proposal of the Corps of Engineers; to the Committee on Public Works.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

348. By the SPEAKER: Petition of the Hawaii County Council, Hilo, Hawaii, relative to the appointment of Representative Patsy T. Mink as a delegate to the United Nations Law of the Sea Conference; to the Committee on Foreign Affairs.

349. Also, petition of Vladimir A. Zatkan, Tamal, Calif., relative to redress of grievances; to the Committee on the Judiciary.

### SENATE—Monday, November 5, 1973

The Senate met at 12 o'clock meridian and was called to order by Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky.

#### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, amid the stress and strife of busy days, we are grateful for

unhurried moments of communion with Thee. We open our hearts for the indwelling of Thy love. We open our minds to Thy truth. Teach us, by the light of a great faith, how to be victors over life and not victims of dark powers of defeat. That we may live victoriously, give us a faith fit to live by, a self fit to live with, and a cause fit to live for. Inspire and guide with Thy spirit, the President, all leaders of our Government, and especially the Members of this body,

that they may be found faithful stewards of the Nation's trust.

We pray in the Name that is above every name. Amen.

#### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
President pro tempore,  
Washington, D.C., November 5, 1973.  
To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,  
President pro tempore.

Mr. HUDDLESTON thereupon took the chair as Acting President pro tempore.

#### MESSAGES FROM THE PRESIDENT— APPROVAL OF BILL

A message from the President of the United States was communicated to the Senate by Mr. Helting, one of his secretaries, and he announced that on November 1, 1973, the President had approved and signed the act (S. 907) to authorize the appropriation of \$150,000 to assist in financing the Arctic winter games to be held in the State of Alaska in 1974.

#### EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HUDDLESTON) laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of G. McMurtrie Godley, of the District of Columbia, to be an Assistant Secretary of State, which nominating messages were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 2, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate pro-

ceed to the consideration of Calendar Nos. 456, 457, and 458.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### INTERVENTION ON THE HIGH SEAS ACT

The bill (S. 1070) to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intervention on the High Seas Act".

##### SEC. 2. As used in this Act—

(1) "ship" means—

(A) any seagoing vessel of any type whatsoever, and

(B) any floating craft, except an installation or device engaged in the exploration and exploitation of the resources of the seabed and the ocean floor and the subsoil thereof;

(2) "oil" means crude oil, fuel oil, diesel oil, and lubricating oil;

(3) "convention" means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;

(4) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and

(5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 3. Whenever a ship collision, stranding, or other incident of navigation or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to the ship or her cargo creates, as determined by the Secretary, a grave and imminent danger to the coastline or related interests of the United States sea by oil which may reasonably be expected from pollution or threat of pollution of the sea to result in major harmful consequences, the Secretary may, except as provided for in section 10, without liability for any damage to the owners or operators of the ship, to her cargo or crew, or to underwriters or other parties interested therein, take measures on the high seas, in accordance with the provisions of the convention and this Act, to prevent, mitigate, or eliminate that danger.

SEC. 4. In determining whether there is grave and imminent danger of major harmful consequences to the coastline or related interests of the United States, the Secretary shall consider the interests of the United States directly threatened or affected including but not limited to, fish, shellfish, and other living marine resources, wildlife, coastal zone and estuarine activities, and public and private shorelines and beaches.

SEC. 5. Upon a determination under section 3 of this Act of a grave and imminent danger to the coastline or related interests of the United States, the Secretary may—

(1) coordinate and direct all public and private efforts directed at the removal or elimination of the threatened pollution damage;

(2) directly or indirectly undertake the whole or any part of any salvage or other action he could require or direct under subsection (1) of this section; and

(3) remove, and, if necessary, destroy the ship and cargo which is the source of the danger.

SEC. 6. Before taking any measure under section 5 of this Act, the Secretary shall—

(1) consult, through the Secretary of State, with other countries affected by the marine casualty, and particularly with the flag country of any ship involved;

(2) notify without delay the Administrator of the Environmental Protection Agency and any other persons known to the Secretary, or of whom he later becomes aware, who have interests which can reasonably be expected to be affected by any proposed measures; and

(3) consider any views submitted in response to the consultation or notification required by subsections (1) and (2) of this section.

SEC. 7. In cases of extreme urgency requiring measures to be taken immediately, the Secretary may take those measures rendered necessary by the urgency of the situation without the prior consultation or notification as required by section 6 of this Act or without the continuation of consultations already begun.

SEC. 8. (a) Measures directed or conducted under this Act shall be proportionate to the damage, actual or threatened, to the coastline or related interests of the United States and may not go beyond what is reasonably necessary to prevent, mitigate, or eliminate that damage.

(b) In considering whether measures are proportionate to the damage the Secretary shall, among other things, consider—

(1) the extent and probability of imminent damage if those measures are not taken;

(2) the likelihood of effectiveness of those measures; and

(3) the extent of the damage which may be caused by those measures.

SEC. 9. In the direction and conduct of measures under this Act the Secretary shall use his best endeavors to—

(1) assure the avoidance of risk to human life;

(2) render all possible aid to distressed persons, including facilitating repatriation of ships' crews; and

(3) not unnecessarily interfere with rights and interests of others, including the flag state of any ship involved, other foreign states threatened by damage, and persons otherwise concerned.

SEC. 10. (a) The United States shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in section 3.

(b) Actions against the United States seeking compensation for any excessive measures may be brought in the United States Court of Claims, in any district court of the United States, and in those courts enumerated in section 460 of title 28, United States Code. For purposes of this Act, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii, and the Trust Territory of the Pacific Islands shall be included within the judicial districts of both the District Court of the United States for the District of Hawaii and the District Court of Guam.

SEC. 11. The Secretary of State shall notify without delay foreign states concerned, the Secretary-General of the Inter-Governmental Maritime Consultative Organization, and persons affected by measures taken under this Act.

SEC. 12. (a) Any person who—

(1) willfully violates a provision of this Act or a regulation issued thereunder; or

(2) willfully refuses or fails to comply with any lawful order or direction given pursuant to this Act; or

(3) willfully obstructs any person who is acting in compliance with an order or direction under this Act, shall be fined not more than \$10,000 or imprisoned not more than one year, or both.

(b) In a criminal proceeding for an offense



under paragraph (1) or (2) of subsection (a) of this section it shall be a defense for the accused to prove that he used all due diligence to comply with any order or direction or that he had reasonable cause to believe that compliance would have resulted in serious risk to human life.

SEC. 13. (a) The Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, may nominate individuals to the list of experts provided for in article III of the convention.

(b) The Secretary of State, in consultation with the Secretary, shall designate or nominate, as appropriate and necessary, the negotiators, conciliators, or arbitrators provided for by the convention and the annexes thereto.

SEC. 14. No measures may be taken under authority of this Act against any warship or other ship owned or operated by a country and used, for the time being, only on Government noncommercial service.

SEC. 15. This Act shall be interpreted and administered in a manner consistent with the convention and other international law. Except as specifically provided, nothing in this Act may be interpreted to prejudice any otherwise applicable right, duty, privilege, or immunity or deprive any country or person of any remedy otherwise applicable.

SEC. 16. The Secretary may issue reasonable rules and regulations which he considers appropriate and necessary for the effective implementation of this Act.

SEC. 17. The revolving fund established under section 311(k) of the Federal Water Pollution Control Act shall be available to the Secretary for Federal actions and activities under section 5 of this Act.

SEC. 18. This Act shall be effective upon the date of enactment, or upon the date the convention becomes effective as to the United States, whichever is later.

#### AMENDING THE FEDERAL AVIATION ACT OF 1958 BY OFFERING FREE TRANSPORTATION TO CARRIER EMPLOYEES AND SURVIVORS

The bill (S. 1432) to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 20 or more years of such employment was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1432

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second sentence of section 403(b) of the Federal Aviation Act of 1958 is amended by inserting after "in the service of such air carrier or foreign air carrier;" the following: "widows, widowers, and minor children of employees who have died while employed by such air carrier or foreign air carrier after twenty or more years of such employment;".

#### REDUCED RATE TRANSPORTATION FOR CERTAIN PERSONS

The bill (S. 2651) to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2651

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 403(b) of the Federal Aviation Act of 1958 is amended by striking out the last sentence and inserting in lieu thereof the following: "Any air carrier or foreign air carrier, under such terms and conditions as the Board may prescribe, may grant reduced rate transportation to handicapped persons and may grant reduced rate transportation on a space available basis to ministers of religion and to persons who are sixty-five years of age or older or twenty-one years of age or younger. As used in this subsection the term 'handicapped persons' means the blind and other persons who are physically or mentally handicapped, as further defined by regulations of the Board."

SEC. 2. Section 22(1) of the Interstate Commerce Act is amended by inserting after "managers of said homes" a comma and the following: "or to persons who are blind or otherwise physically or mentally handicapped, as further defined by regulations of the Commission, or to persons who are sixty-five years of age or older or twenty-one years of age or younger".

#### STATE OF THE NATION ADDRESS BY THE PRESIDENT OF MEXICO

MR. MANSFIELD. Mr. President, one of the outstanding chiefs of state in this hemisphere, one of the leaders in the so-called third world, is the distinguished President of the United Mexican States, the Honorable Luis Echeverria.

President Luis Echeverria delivered his third state of the nation address on September 1, 1973. The chief executive of Mexico evaluated the results obtained in the past 12 months of his administration. He also reconfirmed his intention to renew the national structures and called upon the people of Mexico to make this task a common endeavor.

Mr. President, because of the close relationship existing between our two countries, I ask unanimous consent that the full text of the third state of the nation address by the President of Mexico be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

#### THIRD STATE OF THE NATION ADDRESS

(By Luis Echeverria, Constitutional President of the United States of Mexico)  
Honorable members of Congress:

Half way through my term of office, I come before the representatives of the people of Mexico and before the people themselves, at a difficult time for the world and at a moment of adversity in nature.

Catastrophes in different areas of the world caused a disastrous crop decline in the past agricultural cycle, considered by specialists to be the worst in the last twenty years.

This is part of an international situation characterized by economic disorder and by an increasingly sharp class division between the highly industrialized and the poor countries.

The conflicts and contradictions among powerful financial groups have triggered an inflationary process which evolves against the chaotic background of the monetary crisis.

The instability of the most important currencies produces uncertainty and mistrust with regard to money; it hinders trade operations, encourages hoarding and speculation.

But although the inflationary process, the shortage of food, fuel and power and of raw

materials are problems that affect both large and small nations, their characteristics and effects are different in each case. For a vast region of Africa, it means hunger, plagues and the interminable search for water and food. For many countries of Latin America, it is, above all, the accumulation of social tension, the confrontation of groups with opposing interests. In the centers of financial power, it is one more opportunity to turn the needs of others to their own benefit, to multiply their wealth and extend the invisible frontiers of their empire.

All these phenomena prove the obsolescence of international structures, the decadence of a system founded on an irrational concentration of political and economic power, the need to find new formulas for coexistence that satisfy the true requirements of peoples and nations.

Mexico is suffering the consequences of international instability, the effects of a generalized inflationary phenomenon which goes beyond borders and benefits only those who can amass reserves of raw materials and establish their own market prices. It is a chain of disasters in which drought alternates with earthquakes and cyclones.

The heavy rains of the last few days have made rivers overflow, broken dikes, flooded crops, wiped out whole cities and left a tragic aftermath of death and victims. Hundreds of our countrymen died and hundreds of thousands lost their belongings and their usual means of livelihood.

We had hardly returned from inspecting the ruins of Irapuato when we received word of other floods and of the damage caused by the August 28th earthquake in the states of Puebla and Veracruz.

Although it is still too early for an exact evaluation of the losses in life and property caused by these phenomena, the country can get a general idea of their magnitude from the fact that, to a greater or lesser degree, they affected more than half the states of the Republic.

We have visited some of the disaster areas, given instructions for emergency measures, and have begun definitive reconstruction in cities and on highways, dams, and other infrastructure works. Various civilian and Government organizations and to an outstanding degree, the Armed Forces, have collaborated in these tasks. Nevertheless, the active solidarity of the entire population is indispensable in the effort to help our brothers in distress.

Misfortune serves to test the spirit of peoples that are strong. For them, there can be no defeat, but only challenge. In the ups and downs of fortune they achieve renewal. No matter what the circumstances, they find reason to redouble their determination and to continue onward and upward.

Throughout its history, Mexico has demonstrated its will to survive and to attain greatness. Today, it renounces useless lamentation and enters a new period of unity and collective effort.

Despite the destruction of important works and the loss of thousands of hectares of farmland, our agricultural future is promising. The storage capacity of our dams is calculated at around 28 billion cubic meters, an unprecedented figure that guarantees the irrigation of three million hectares during the forthcoming farm cycles.

The purpose of the present document is to inform the people about our immediate past and our perspectives, about the results of national activity during the period that ends today.

The work that we review at this time concerns us all and must be freely evaluated by everyone. Great collective undertakings are made possible only through enthusiastic action based on patriotic conviction.

Day by day, we explain and offer our acts of Government for public consideration. Today, we must evaluate the sum total of these acts

in relation to the objectives that have been set. It is the task of the representatives of the nation gathered here now, and of each and every citizen, to judge what has been done during this year of intensive work.

#### DOMESTIC POLICY

I promised the Mexican people that I would strengthen our democratic way of life. We have kept this objective in mind in all our Government activities.

That is why we have encouraged open expression of different currents of opinion and have demonstrated, with deeds, the capacity for renovation of our laws and institutions. After three years of work, I can say to the country with absolute certainty that the path we have chosen will enable us to carry out the changes our society requires, within a framework of freedom and justice.

The constitutional reform that reduced the percentage of votes needed to accredit party Deputies and increased their number to 25, made it possible for minority parties to have a greater representation in Congress.

The new Federal Electoral Law and those we promoted to amend the Constitution, when we believed this to be necessary, were based on one of the essential policy targets of this Administration: creation of a legal framework that will permit extensive and deep-rooted political reform.

The new electoral legislation facilitates the integration of national political parties by reducing the number of members required for registration to 65 thousand.

Improvements have also been made in the system of party representation in the Federal Electoral Commission, as well as in local commissions and district committees. The new law provides parties with full guarantees for surveillance of the organization, development, and assessment of the electoral process. In this way, fair elections are assured.

One of the most important innovations in the new law is that it provides political parties and candidates with radio and television time during campaign periods for massive dissemination of their principles and programs. It also granted them special postal and telegraph franking privileges.

The federal elections gave content to the constitutional reforms designed to bring our political institutions into alignment with our demographic realities. The number of inhabitants with the right to be represented by a federal Deputy was increased to 250 thousand, and the Federal Electoral Commission was able to approve the creation of 16 new districts distributed among eight states of the Republic.

True democracy calls for active, day-by-day participation of the citizens in public decisions. But the culmination of this process is the election of the representatives of the people. Failure to vote means renouncing the most important political right of all; it means placing one's will in the hands of others.

By every means within our power, we encouraged the participation of all citizens in the recent elections. An intensive registration campaign produced a considerable increase in the number of registered voters: more than 24 out of a total of 26 million eligible citizens.

In my last report, I said that federal Deputy elections would put to the test the reforms we have carried out. Time has shown us to be correct; the July 1st elections provided categorical proof of their efficacy.

More than 15 million citizens voted not just for candidates and parties, but for our system of civic liberties as well. The country ratified its decision to live as a democracy.

Governors were elected in the states of Campeche, Colima, Guanajuato, Nuevo León, Querétaro, San Luis Potosí and Sonora. State Deputies were elected for Coahuila, Colima, Chiapas, Guanajuato, Morelos, Nayarit, Nuevo León, Querétaro and Sonora, Munic-

ipal authorities were chosen in Coahuila, Guanajuato, Hidalgo, Mexico, Morelos, Nayarit, Querétaro and Sonora.

We transformed our institutions without departing from the path we had chosen. The country is advancing toward a higher stage in its democratic life and fully accepts its destiny.

It is most satisfactory to verify, once again, the efficient operation of the mechanism provided by Article 93 of the Constitution. During the past year, seventeen Government officials have appeared before the legislators in sessions of Congress or committee meetings.

The desire to reinforce the concept of the work of the Government as a community effort, to emphasize its republican nature, and to avoid personalization of institutional actions led us to issue a decree prohibiting the inscription of the name of any Government official on the inaugural plaques of public works.

The task of the Federal Government is to consolidate democracy and promote the egalitarian development of society, within the possibilities of renewal offered by law. This action is based on, and reflected in, the creation of new legal instruments.

The present Administration has promulgated a constitutional amendment, twelve new laws, eighteen reforms, and additions to other existing laws. Moreover, seventeen instruments of an international nature have been ratified.

The Government feels concern regarding the effects of the mass communications media on society. It seeks to provide a balance between the need to improve the cultural and informative level the people have a right to expect and the creative freedom of those in charge of such media. In order to regulate the content of radio and television programs, a set of rules was issued in the public interest establishing standards for the adequate use of these federal concessions.

The citizen is aware of Government performance through the action of public administration. The growing complexity of modern living calls for constant revision of our systems of organization.

As of January 1, after careful studies, the five-day work week for those covered by the Federal Law for Civil Service Employees went into effect. This measure does not imply a reduction in working hours but only a new work schedule. We want the civil servant to do his work within the best systems of organization and with a more dedicated and forceful spirit of service so that he may become the most active agent for administrative reform. As an instrument to implement this policy, the Federal Government Commission on Human Resources was created.

Centralization, which forces the poorest citizens to move from distant parts of the country to Mexico City to resolve their problems, is an old defect of our administrative structure that we are determined to correct. Accordingly, 55 public sector agencies have established a process to delegate responsibility, and another process of regional decentralization which divides the country into nine zones has begun. The first of these is already working in the northeast of the country with headquarters in Monterrey, and the others will be set up in the next few months.

To achieve this purpose, new internal regulations of a homogeneous, flexible and modern criterion have been drawn up for various offices of the Executive Branch.

As part of the programs of administrative reform and in order to channel investments of the public sector in a more democratic way, a system of consultation with the people has been established to allow the inhabitants of each community to point out to Federal Government officials which of their demands should be given preference.

The Armed Forces maintain unshakable loyalty to the Constitution and to the peo-

ple that are their source of origin. They keep the Republic safe from threats from abroad and ensure the continuity of its institutions.

The Army, Air Force and Navy have increased their capacity to assist and serve the civilian population considerably. They cooperate in all campaigns to conserve natural resources and, in coordination with other official agencies, fight against the cultivation and traffic of narcotics. With firm solidarity and exemplary patriotism, the members of our Armed Forces gave opportune assistance to victims of earthquakes and floods that affected a large part of our country. For this reason, they again deserve public recognition of the nation's gratitude.

We have maintained social peace. Although there have been isolated cases of terrorism, this form of violence certainly has no real roots in our country. As a militant strategy, it can only prosper in a climate of totalitarian oppression. As long as opposition can develop freely, clandestine organizations are artificial and destined to lead a precarious existence.

For some time, various groups of individuals engaged in illicit activities have used the facilities of the National Autonomous University of Mexico as centers for their operation. They seriously disturbed public peace and academic activity. In the face of continued criminal practices, university officials denounced these cases and requested the intervention of the Mexico City police who acted by court order to correct the situation.

Mexico is one of the firmest and most consistent defenders of the right of asylum. During the past year, 71 persons who requested asylum for political reasons were granted permission to enter and stay in the country.

The traffic in archeological treasures has been successfully fought against and an intensive campaign has been carried out to prevent and eradicate crimes against health.

The program to improve penitentiary systems in the country has continued, based on the law that establishes minimum standards for the social readaptation of convicted prisoners. State and federal authorities cooperate in this task. New prisons are being built, a policy of subsidies to upgrade existing installations and modernize their services has been implemented and technical assistance has been given to several states so that the most modern principles in the field can be applied.

Mexico now has more than 56 million inhabitants and this number will double in 20 years. Our index of growth of 3.5 percent a year is one of the highest in the world and certainly the highest among the countries with a population similar to or larger than ours. This high birth rate and the decrease in mortality create a serious demographic situation. In accordance with present trends, we shall begin the twenty-first century with 135 million Mexicans who will require food, housing, education, employment and all types of services. The parents of these millions of Mexicans of the year 2000 are already born or are about to be born.

This is the moment to consider seriously a problem which for some time has been faced by many nations that have a different economic and political structure. Large sectors of our population are worried about the problem of family growth. Mexican women by the thousands go to health centers, to Government and private clinics in search of orientation on the possibilities of regulating their fecundity.

We reject the idea that a purely demographic approach to birth control can replace the complex task of development. But we would be committing a grave error if we did not realize the seriousness of the population increase and the needs it generates.

The bill of additions and reforms to the General Law on Population, which we shall soon present to the Congress, establishes



the legal framework in which programs for responsible parenthood can be carried out with absolute respect for individual liberties and as part of our general development policy.

We reconfirm our revolutionary and nationalistic humanism. We believe that all social processes must have man as their central concern and that improving his condition always implies preserving his dignity and free will. We affirm that human resources are the vital nucleus of any important change and that the basis of progress is the community's power to modify its circumstances.

#### FOREIGN POLICY

At this time, the main objectives of Mexican diplomacy are to diversify our foreign contacts and to give them a practical content.

The changes that have taken place in the world during the last few years favor our purpose. Cold War tensions are disappearing and negotiation between opposing forces is slowly replacing aggressive methods based on military power.

In a period characterized by the existence of dialogue, Mexico emphasizes its vocation of universality. We are an active part of the community of nations and our life is conditioned in many aspects by external events. To renounce our responsibility in the shaping of the new international order would mean to endanger the autonomous progress of the country.

We have expanded our bilateral relations. We decided to establish embassies in Barbados, Tanzania, Guyana, Rumania, the German Democratic Republic and New Zealand.

We know that no nation is self-sufficient. Consequently, we are trying to increase our bargaining power with foreign nations. We have hosted trade delegations from seventeen countries and sent numerous economic missions to different parts of the world.

During the sixteenth General Conference of the International Atomic Energy Agency, we reiterated our rejection of any type of nuclear tests. We also demanded that existing arsenals be destroyed. Any position of power implies the risk of its being used and the threat is, in itself, a form of violence.

We subscribed the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matters. This is the first multilateral agreement that attempts to prevent pollution of the sea and to protect ocean ecology.

In view of the upsurge of terrorism and in particular, of hijacking of ships and airplanes, we have stated that the prevention and repression of these acts falls within the exclusive competence of the state in whose territory these acts take place.

We also pointed out that such measures should not conflict with the norms of the right of asylum. The agreement signed with the Republic of Cuba follows these principles, and tries to discourage crimes which endanger innocent lives.

In reciprocity to the state visit I paid to the Republic of Chile, its President, Dr. Salvador Allende, came to Mexico as our guest. During his stay, the agreements approved in Santiago to intensify trade between the two countries were implemented. A line of credit to facilitate these operations was opened and we signed an Agreement for Scientific and Technical Cooperation.

We received the President of El Salvador, Col. Arturo Armando Molina. Pursuant to our policy on foreign investments, we decided to offer for sale to citizens of El Salvador up to 51 percent of the stocks of Fertica, a subsidiary of Guanos y Fertilizantes which operates in that country.

In this capital, I held official talks with the Prime Minister of Australia, Mr. Edward Gough Whitlam. We studied the adequate means to strengthen our ties and expressed

our common concern at the increase of nuclear reserves.

Everything that affects the peoples of Latin America concerns the people of Mexico.

We went to the aid of Nicaragua, whose capital city was leveled by an earthquake. We provided aid and technical assistance for its reconstruction to the extent of our possibilities.

In order to counteract the isolationist strategy being used against Chile, we decided to sell oil and cereals to that country. This operation implements the agreement on payments concluded last year and expresses our intention to strengthen fraternal solidarity through economic cooperation.

During the meeting of the United Nations Security Council which took place in Panama, the conflict on the legal charter of the Canal was examined. We backed the just demand of the people of Panama to re-establish full rights over their territory.

As part of the process of regional integration, the Joint Andean-Mexican Commission was installed. Its purpose is to intensify our trade with the countries that are members of the Andean Pact.

We are determined to renew the structure of the Organization of American States. We hold that interdependence does not imply subordination or homogeneity. The fact that many different ideologies exist is a reality that should be recognized as the basis for hemispheric coexistence.

Mexico has invariably postulated that the inter-American system can only be understood as an association of sovereign states. We oppose all types of action, whether unilateral or collective, that interfere with the decisions that fall under the exclusive competence of each state. We do not accept extensive interpretations of treaties that imply interventionist theses.

Under difficult circumstances we have defended this doctrine that stems from the principle of self-determination. The diversity of political systems in the Continent once more proves that Mexico is right.

The lack of imagination in international affairs could chain us to a state of permanent dependence. We shall not delegate to others our decision-making powers. The struggle for sovereignty is also fought outside our national territory.

Our conviction that men and peoples can coexist peacefully, if they show mutual respect for their ideas and ways of life, made it possible for us to visit countries with different political systems and enter into transactions of reciprocal benefit with them.

We accepted, with the prior authorization of this Congress, the invitations extended by the Governments of Canada, the United Kingdom, Belgium, France, the Union of Soviet Socialist Republics and the People's Republic of China. During the course of this journey, we visited the headquarters of the European Economic Community and UNESCO.

More diversified relations with foreign countries will allow us to defend our rights and to promote our progress more firmly. We are trying to intensify relations that favor a substantial increase in economic exchange and which may broaden the sources of scientific and technological knowledge.

Latin America will become the first denuclearized region of the world when all atomic powers commit themselves not to use weapons of this kind against the signatory states of the Treaty of Tlatelolco. As a result of talks held with the Chiefs of State of France and China, both countries entered into this commitment when they signed Protocol II of the Treaty, as the United States of America and the United Kingdom had already done.

In all the countries we visited, we made arrangements for important financial and commercial operations that have since led to a tangible increase in transactions.

In Canada, we concluded agreements for economic cooperation and for exchanges in the fields of science, technology and tourism. With the United Kingdom and Belgium, we established mechanisms for technical collaboration and signed agreements to achieve equilibrium in the balance of trade. The Government of France expressed its interest in acquiring Mexican manufactured goods and in establishing joint capital export companies within our territory.

By virtue of the trade agreements we signed with the Soviet Union and the People's Republic of China, Mexico will receive most-favored-nation treatment. In this way, enormous markets are opened to our exports and favorable conditions are established for the purchase of industrial equipment under advantageous credit terms.

In Brussels, we entered into negotiations to reach an agreement with the European Economic Community, with whose countries we maintain relations of friendship and trade.

Like other nations of the Third World, our country affords possibilities for a diversified production that, under an equitable international system, would allow us to achieve a higher standard of living for our own people as well as to satisfy the demand of the industrial powers.

The prices of many of our articles and raw materials are fixed abroad. Going beyond our borders to defend the product of our labor is an obligation to present and future generations which we have fulfilled during this journey.

During my conversations with Heads of States, I discussed various subjects and obtained numerous results. At all times, I acted as the representative of a sovereign nation, while bearing in mind the needs and demands of the deprived majority sectors of our population.

After assessing the outcome of this undertaking, I can state with complete certainty that Mexico strengthened its prestige and increased its opportunities for trade.

Mexico has been a precursor of international theses that are generally accepted today. Repeated foreign incursions have served to reinforce an uninterrupted pacifist and anti-interventionist tradition. Both our past and our present have fostered our solidarity of interests with those countries which, having obtained their independence, are today struggling to achieve economic autonomy.

The principles that governed the international economy in the past have shown themselves to be inefficient. Not only is the gap separating the wealthy nations from the peripheral peoples growing steadily wider, but the dislocations existing in the economic field are further proof that these principles are now inoperative.

The contradictions arising from the survival of power politics are one of the principal causes of underdevelopment. A long colonial past, prolonged into our own times by more or less open forms of imperialism, prevents a radical transformation of prevailing structures of injustice.

Imbalance, inequity and coercion are incompatible with sound development of economic relations.

The Universal Declaration of the Rights of Man should be complemented by a normative document establishing standards that make economic coexistence and progress possible for all nations. We therefore consider that there is a steadily increasing need for adoption of a Charter of the Economic Rights and Duties of States that would express the collective will to preserve universal peace and stability.

The community of nations has given its support to this project. In Geneva, the working group composed of representatives of 40 countries in charge of drafting the Charter recently completed the first phase of its work. The positions held by different countries and

groups of countries with regard to the matters that might be included have been expressed in a preliminary document. We do not doubt the praiseworthy nature of the effort this group has made nor the integrity of its intentions. Nevertheless, convinced of the urgent need to accelerate this task, I have recently sent a message to United Nations Secretary General, Mr. Kurt Waldheim, indicating the need for modification of procedures that would allow more rapid approval of the Charter.

We are convinced of the value of this instrument for the establishment of a system of mutual respect and economic cooperation that the general interest demands.

Events abroad condition our own evolution. We cannot remain aloof from the changes that are taking place in a world that is making radical modifications in its structure. Through the creation of new forms of interdependence, we can more adequately confront the circumstances of our times.

Those who have been left behind by historical developments and accept the servitude imposed by docile imitation of other scales of value have raised objections to our right to establish closer relations with countries which, regardless of their social system, offer us their friendship and the opportunity to increase interchange with them in areas of mutual interest.

Our foreign policy decisions demand a mature civic awareness, guided not by the superficial aspects of diplomacy but by a deep understanding of the political significance of the decisions.

The nations we visited represent the entire range of contemporary political and economic experience. We have no prejudices nor any fear of alleged influences. We accept ideological pluralism as an outstanding characteristic of this stage in history. With a broadened outlook, we reaffirm our confidence in ourselves and in the road we have chosen.

In the first half of 1974 Mexico will receive waters from Colorado River in the amount and quality that we have demanded over the past years. Minute 242 of the International Boundary and Water Commission, signed two days ago, on August 30th, with the Government of the United States, ensures permanent and definitive solution of the salinity problem in the Mexicali Valley.

To put this agreement into effect, the bypass canal for saline waters will be extended to the Arizona-Sonora border, continuing from there through Mexican territory to the Gulf of California. This Mexican portion will be constructed, operated and maintained by Mexico and paid for by the United States.

Last year, we reached the decision that we would refuse to accept Welton-Mohawk Canal Waters. This is the policy we have followed and will continue to pursue until the works mentioned have been completed.

Successful conclusion of the negotiations we have conducted constitutes a triumph of reason and law, a just reward for the tenacious efforts of our diplomacy, and a promising sign in our relations with the United States.

Mexico reconfirms its confidence in the rule of law as the foundation for international life, and the course of its foreign policy is directed toward the well-being of the Republic.

#### DEVELOPMENT POLICY

The great tasks involved in national development demand the coordinated participation of every agency of the Federal Government.

Industry, the availability of fuel and power, communications of all types; agricultural, livestock, forestry and fishery production; greater flexibility in distribution systems, employment policies, credit in all its forms, expansion of the hydraulic network, drawing up of agricultural and livestock programs, and security in land tenure, are among

the many problems that cannot be analyzed separately. Each complements the others, and all converge in a program of joint activity that must be carried out with a global criterion.

The country's economic growth has always depended basically on the efforts of the farmers. Recognition of this fact has led to our decision to permit no further delay in the payment of this longstanding debt.

Accordingly, we here reiterate our active solidarity with the farmers, to be expressed in a more expeditious solution of agrarian problems and a substantial increase in the resources devoted to the promotion of agricultural production.

During this Administration, we have issued 305 agrarian resolutions covering a total of two million 14 thousand 105 hectares and benefiting 45 thousand 481 families. We have handed over 216 thousand 291 certificates of agrarian rights and have paid 764 ejido members indemnities totalling 109 million pesos for land expropriated for public use. In addition, 21 decisions were taken involving a total of 2 million hectares of public land to accommodate 43 thousand families.

We also granted 6 thousand 18 certificates of non-affectability of farm land and 285 certificates of non-affectability of livestock ranges.

The rights of communal farmers, ejido farmers and small landowners are, and shall continue to be, respected. Attention is given to the demands of dispossessed farmers, but without harming any legitimately acquired interests. Both in the city and in the country, only those who hold spurious land titles or engage in activities prohibited by law can feel, and spread, uncertainty.

The reform we are carrying out rejects the false choice between justice and efficiency. We do not want excessive land division to dislocate agricultural production, but we are determined not to allow a new system of large landholdings to be established for this reason.

We have intensified programs for technical training and farmer organization. The new agrarian law puts an end to the prejudice which held the ejido farmers were incapable of engaging in any activity other than farming or cattle raising. The establishment of agro-industrial enterprises has shown ejido farmers to be fully capable of exploiting the resources of their land for their own benefit and of being incorporated into modern production processes.

Small agricultural landholdings are not always compatible with the dynamics of today's economy. In such cases, it is advisable to encourage the grouping of these farms. It should be noted that the law makes it possible for ejido members and small landholders to form associations under mutually beneficial conditions.

Recently, members of Congress, I have held several meetings with leaders of national farmer associations who have informed me of their decision to organize ejido farming on a collective basis.

The Mexican Revolution has been a complex historical process. There are still those who feel that its initial civic objectives should have gone no further than political reform and that what came later was only a constructive wish to add to that original structure.

It is true that a number of constitutional reforms and the Querétaro Charter were designed to meet the pressing demands of the farmers and workers, but—as so often occurs in the social life of a country—the great general transformation of the nation could not be held back and placed within a mere intellectual and theoretical framework with the thought that it would have sufficed for a planned reorganization of Mexico.

The Agrarian Reform meant reconquering the land for our farmers, even though it frequently followed no set program. We are

convinced that we are barely coming to the end of what is the first stage of that reform, and that we must now begin an extensive reorganization that—it goes without saying—will not depend on mere legal or administrative bases, nor simply on the intentions of farmer organizations. Rather, it must be rooted in a profound sense of solidarity, in the subordination of individual interests to the collective need within the communities and ejidos themselves, and even in cases of small landholders who decide to join together, to improve farming methods, make more effective use of fertilizers and insecticides, defend themselves against middlemen and profiteers—a real national plague—establish cooperatives for the use and sale of their products and, in general, plan their crops in a better way.

When we are asked on occasion, from a theoretical point of view, by very studious, very erudite people who work in quiet sheltered studies, whether it is not contradictory to lay out a policy of this type for the future in view of our need for a managerial class imbued with patriotism and nationalism, we answer that, within the mosaic that is Mexico, we need these more socially advanced forms of organization in rural areas and we also need a managerial class, but composed of men who are modern, nationalistic, free of the colonialist mentality, who do not wish to be the employees of foreign interests but rather feel the responsibility to contribute with their initiative, which should be truly creative, to the building of our country.

We tell these learned theoreticians that we do indeed need entrepreneurs who will industrialize the country and help us to avoid being left at the mercy of imports from abroad, by producing what the country consumes and can export. We need entrepreneurs who want to be the masters of their own destiny; who will not limit or hold back their investments until foreign capital comes from abroad; who will not create rumors designed to undermine confidence, such as those that were spread when the Executive and Legislative Branches together began studying legislation on foreign technology and investment.

We have said that investments must be handled with a spirit of solidarity in order to promote the sovereignty and progress of Mexico within a framework of healthy nationalism. Therefore, we subscribe to the thesis that just as we need to establish sound and secure bases through Government organization or by means of farmers organizations, which are true organs of defense, we also need to promote an efficient private enterprise that is nationalistic, modern, and socially meaningful. Everything is compatible when one believes in Mexico and in Mexico's future.

The irrigation works constructed during the past 12 months have benefited a total area of 183 thousand hectares, 53 thousand of which were placed under irrigation for the first time.

Construction of the Melchor Ocampo Dam marked the completion of irrigation works of the Lower Lerma River Irrigation District, serving an area of 33 thousand 200 hectares in the states of Guanajuato, Jalisco and Michoacán.

With an investment in February of 250 million pesos, we began the second stage of the Benito Juárez Plan, delivering fifty units of heavy construction equipment to be used to accelerate the construction of small irrigation works in twenty-two states of the Republic; 188 of these works, with a total storage capacity of 55 million cubic meters, have now been completed.

Investment and credit are two fundamental elements of agricultural development. The Federal Government has exerted a consistent effort to make financial resources available to the rural areas and has



created a system of incentives to encourage private banks to do the same.

The Government has allotted 8 billion 300 million pesos for agricultural development. During this fiscal year the major governmental institutions provided credits in the amount of 11 billion 149 million pesos to 525 thousand ejido farmers and small landowners. This amount represents an increase of 41 percent over last year's financing.

Many ejido farmers and small landowners were unable to obtain credits because they were already in debt and the interest charges were often higher than the amount of the original loan. The Executive decided to free the farmers from this problem by absorbing the liabilities in accordance with the operative modalities of each official bank.

In order to correct inequalities between the development of rural and urban areas, we have carried out a program of industrialization under the auspices of the National Fund for Ejido Development. At present, with a total investment of 325 million pesos, there are 124 industries that employ more than ten thousand heads of families and benefit sixty-four thousand ejido farmers who are the owners of these enterprises. Another 88 industries, which require an investment of 202 million pesos, are currently being organized and we have approved 84 additional projects, which involve an investment of 270 million pesos.

The priority which the Government has given to the agricultural sector determined the creation of a Program of Public Investment for Rural Development to be applied in the country's more backward regions. The objective is to create permanent sources of employment which will keep farmers in their places of origin and to construct infrastructure works and services. Through this program, 2 billion 500 million pesos have been invested, of which 54 percent is earmarked for small works of infrastructure and the remaining 46 percent for works of a social nature. In all these projects 300,000 farmers have been employed, particularly during the periods in which they were not engaged in agricultural activities.

The use of natural resources and of local labor in the construction of roads, small reservoirs, irrigation works, schools and agro-industrial plants is a realistic answer to the problem of employment and proof of the creativity of small communities.

National programs for forage crops, pastures, and artificial insemination were importantly encouraged, and we started the National Program for Clearing Forest Lands through which large tracts of hitherto unproductive areas were made available for agriculture and livestock. One hundred and seventy thousand hectares in 13 states and territories have been cleared at a cost of 202 million pesos. These are gradually being turned over to farmers without charge in exchange for the work they have done.

In spite of severe floods and droughts, the total value of agricultural, livestock and forestry production was 68 billion pesos. The volume of exports of the main agricultural crops in 1973 increased 52 percent as compared to last year. Exports of meat and cattle on the hoof were temporarily restricted to satisfy domestic demand.

The largest production in the history of the sugar industry—2.6 million tons of sugar—was obtained during the 1972-1973 season. This yield was 230 thousand tons more than the year before and represents a net increase of 10 percent. During this period the farmers were paid at the higher rate established for sugar, molasses and alcohol. In the three years in which the new systems and rates of payment have been in operation, the cane growers have directly received greater benefits—in the amount of 1 billion 326 million pesos—than they did under the previous structure.

The disorder which prevailed in the production of an unfair distribution of profits between growers and manufacturers ended with the purchase of the foreign-owned company which controlled the greater part of the production and distribution of tobacco. With the establishment of Tabamex we obtained a new balance between these two sectors with the result that income to growers increased 184 percent in comparison with the previous year.

Likewise, in order to benefit harvesters of lechugilla, we authorized a new increase in the guarantee price of this fiber which, added to the one granted two years ago, amounts to a 100 percent increase.

Thousands of Indian families are engaged in the weaving of palm hats in the Mixteca region of the states of Oaxaca, Guerrero and Puebla as a supplementary activity. In order to improve their standards of living, increase their productivity and diversify their activities, a trust fund of 25 million pesos was set up. It has already benefited ten thousand families by increasing their income 60 percent.

The Coordinating Committee for the Integral Development of the Isthmus of Tehuantepec continued to promote the creation of new centers of employment. During this year new industries with an investment of nearly 800 million pesos have been inaugurated. Moreover, three programs of rural development, with a total investment of 174 million pesos, were begun. In April we issued a decree for fiscal incentives and other kinds of facilities to favor industrial, fishery, forestry and tourist enterprises that contribute to the economic development of this area.

The useful work of the Commission of Tehuantepec has encouraged us to create a similar agency for the Peninsula of Baja California in order to promote and coordinate the development of the basic activities of that region, which will be greatly stimulated in the near future when the trans-peninsular highway is finished.

In order to preserve and improve the natural conditions of the waters of the nation, we issued two decrees establishing the Tabasco and Papaloapan Basin aquaculture districts.

The primary objectives of the policy for the promotion of fisheries is to lower fishing costs and increase the use of coastal areas. We have made large investments to improve port installations and their operating capacity. We have signed contracts to purchase 500 boats and have improved marketing procedures. The first ejido fishing co-operatives founded in Sonora mark the beginning of the participation of farmers in these activities.

Mexico now holds second place in the American Continent in tuna fishing. In a little more than two years, the tuna fishing fleet has increased 238 percent.

The National Basic Commodities Company (CONASUPO) plays an ever more important role in the protection of small farmers and low income consumers.

Ten million Mexicans obtain their livelihood from corn and bean farming. During the past decade, since the last increase in guarantee prices, their purchasing power has dwindled while salaries and the general level of income of the population have increased.

In response to the urgent demands of all the farmers of the country, and in order to become nationally self-sufficient in grains, we have ordered that beginning with the next harvest, the guarantee price of corn be increased from 940 pesos to 1,200 pesos a ton and the price of beans from 1,750 pesos to anywhere from 2,000 to 2,300 pesos, depending on their variety and quality.

However, new guarantee prices are not sufficient for the farmer to be able to change his systems of production and social conditions. It is also necessary to free him from

the monopolizer and the money-lender. In order to prevent the speculation of intermediaries, one thousand 600 purchasing centers are in operation and the system of warehouses and rural stores is being constantly increased.

We must prevent private interests from harming the tenuous balance of the economy of the people. The action of CONASUPO is a rational and just way to transfer income to groups of smaller purchasing power and to strengthen the alliance between the revolutionary regime and the majority of citizens.

True development implies adequate national integration. The efforts the Government is exerting in this respect are not limited to linking up large cities and production and consumption centers. The effort also implies incorporating into the general progress of the country many communities that for centuries have lived in isolation.

Roads, railroads, seaports, postal services and modern means of telecommunication have, in addition to their obvious social and economic usefulness, the political function of increasing awareness of the national unity we require, today more than ever, in order to achieve our objectives.

Because of the importance we place on roads as promoters of development, we give a great deal of attention to the highway construction and maintenance program.

A total of 2 billion 702 million pesos was invested in this area. The labor-intensive roads that are part of the Program for Rural Development have been a decided incentive to the economic life of backward areas. Thirty thousand kilometers of this type of road were completed during the past year at a total expenditure of one billion 512 million pesos.

National Railways is making a vigorous effort to normalize the critical situation caused by the vast accumulation of freight that continues to pile up in seaports, at main railroad terminals and the ports of entry on our northern border.

The purchase of 71 locomotives and 1,233 railroad cars considerably increased the capacity of railroad transportation. The acquisition of these units and other measures we have adopted are not merely an emergency program but the beginning of a complete renewal of the system.

The Ministry of the Navy is modernizing the main ports of the country and has been authorized to coordinate the technical and operational activities of government-owned shipyards. This measure is a decisive step toward the integration of this industry. At present, domestic shipyards are in a position to repair our entire war, merchant, oil tanker, and fishing fleets.

The satisfactory operation of free ports and of enterprises in which the Government has majority control in cargo handling and port services in Manzanillo and Guaymas, led to the establishment of similar enterprises in Ensenada, Mazatlán, Santa Cruz, Progreso, Coatzacoalcos and Tampico, with good initial results.

The eight ports in which duty-free zones were established have been able to reduce the procedures required for the dispatch of merchandise by 90 percent and the corresponding expenses by an average 72 percent.

In Veracruz, two of the most important labor organizations merged and, a week ago, the corresponding Government-participation enterprise was created there. These events definitely strengthen the port reforms carried out in the most important sea terminal of the country.

Constant technological innovations in air transportation call for continual improvement of the country's airport network. During the past year we have invested 385 million pesos in the construction and modernization of airports.

Our intention is to provide mail and telecommunication services that will link up the entire Mexican community. The services provided by mail and telegraph networks have been modernized and new routes and service centers have been established.

The special importance we have given to the integration of Indian groups is demonstrated by the activities of the Rural Telecommunications Commission in the Tarahumara, Huicot, and Altos de Chiapas areas and by the Ejido Mail Pouch service that is already serving 9 thousand 329 rural communities.

Teléfonos de México continues to provide clear proof of the organizational capacity of the Mexican people. Our country now holds second place in the world in rate of growth of all the nations that have an accelerated telephone development. In July, the number of installed apparatus passed the 2 million mark. The company's earnings for the year were 873 million pesos, 59 percent more than in the preceding year. With its plans for expansion of its services to rural areas, this enterprise in which the Government is the major stockholder, gives added social meaning to its activities.

Throughout our history, mining has been a key factor in the generation of wealth. For a long time, however, it was simply an instrument of colonial exploitation, and its high and low periods were regulated from abroad.

With Mexicanization of the mining industry completed—795 enterprises in which a majority of the capital is Mexican now provide 98 percent of total production—the time has come to expand and strengthen it. We are now participating to a greater extent in its development and in the proper direction of the work of exploration, extraction, refining, and marketing.

The total value of the principal mining products reached 7 billion 683 million pesos. This is an increase of 12.6 percent over the preceding period.

Mining will be strengthened by the Government's association with private enterprise. As a result of such action, exploitation of the copper deposits in Caridad, Sonora, which will require an investment of approximately 5 billion 500 million pesos, will soon begin.

This is the most important project ever undertaken by the nonferrous mining-metalurgical industry. Upon its completion, production will have been increased by 40 percent.

Future development of this industry should be based on the promotion of highly productive units, and should also take into consideration small and medium-scale mining companies that can, in the short term and at a relatively low investment, provide numerous jobs for the inhabitants of the arid and mountainous areas of the country.

State-administered mining enterprises increased their earnings by 118 percent over 1972. With recent Government participation in the Compañía Minera Autlán and in Ferrocarriles Teziutlán, the public sector's share in domestic mining-metalurgical production is 28 percent.

Mexico is vigorously confronting the task of strengthening and expanding its industrial progress and of making it compatible with the other aspects of our development.

In order to guarantee industrial growth and provide support for other sectors of the economy, we must ensure a steady flow of hydrocarbons and electric power. The recently founded National Energy Commission has been assigned the function of regulating the rational use of these resources.

Petroleum is still our principal source of energy. The deposits recently discovered in the states of Chiapas and Tabasco are the most important of the last decade. This area produces an approximate average of 3 thousand barrels a day per well, as against 120

barrels that is the national average. It is already providing 10 percent of the country's total production of crude.

Industrial expansion has led to increased demand for energy which has obliged us to make a number of purchases abroad. However, the new oil deposits in southeast Mexico should make it possible for us to reduce imports as of next year.

Another important contribution to our supply of energy lies in the completion of the second natural gas pipeline from Ciudad Pemex to Mexico City, which has added considerably to the supplies reaching the central part of the country.

National investment in the petrochemical industry is 9 billion 113 million pesos, of which 4 billion 948 million correspond to Petróleos Mexicanos, 775 million to Guanos y Fertilizantes, and 3 billion 390 million to private enterprise. Construction is currently underway on 23 new plants representing a total investment of one billion 78 million pesos.

We increased net generation of electric power for public services by 10 percent, thereby benefitting two million new consumers. Installed capacity is 7 billion 532 million 518 kilowatts and projects being built have added 5 million more.

To diversify our sources of energy, work was begun on the construction of the Laguna Verde Nuclear Power Project, our country's first effort to use atomic power to produce electricity. This plant will have a capacity of one million 300 thousand kilowatts and will begin operations in 1976.

The country's first geothermic unit using steam from the subsoil began operations in the Cerro Prieto Plant in the state of Baja California. Research into possibilities for the generation of electric power by these means in other parts of the country is under way.

The Ciudad Sahagún industrial complex continues to obtain high yield rates. Total value of its production was over 2 billion pesos.

Altos Hornos de México is continuing its expansion programs and plans to produce two and a half million tons of steel by 1975.

To promote the expansion of the basic steel industry, work on the construction of the Benito Juárez-Peña Colorada mining consortium and the Lázaro Cárdenas-Las Truchas steel mill is proceeding at an intensive pace.

The operations of 585 state enterprises that in 1972 obtained a total income of 80 billion pesos, 21 percent over the preceding year, were overhauled. Several of these industries that had previously shown narrow margins of profit or losses, increased their earnings considerably in the course of this year.

Optimum use of our resources and decentralization of industry are essential conditions for generating the employment and exports that Mexico needs at this stage of its development.

The Federal Government has created many incentives to industry which will lead to a substantial increase in employment within a short period of time. The Fund for the Promotion of Small and Medium-Sized Industries, the National Fund for Industrial Promotion, and the National Fund for Industrial Equipment carried out operations for an amount of approximately 948 million pesos.

The decree establishing the bases for the development of the automobile industry is designed to create a structure for this industry in accord with present and future market conditions. Its provisions tend to promote the development of this activity, to favor majority participation of Mexican capital, and seek higher levels of efficiency and more favorable export indices.

Work is proceeding to create 14 industrial cities as one of the activities of urban development planning and promotion and as part of the policy for industrial decentraliza-

tion. Infrastructure for the industrial cities of Mérida and Durango has been completed and work on similar cities in Aguascalientes, Celaya, Guadalajara, Linares, Mexicali, Morelia, Tepic, Tijuana, Tizayuca, Tlaxcala, Villahermosa, and Zapopan is underway.

To attract the purchasing power of Mexicans living in border zones, the sale of articles produced in Mexico has been promoted with a resulting increase in tax revenues. Fiscal incentives consisting in the rebate of indirect taxes amounted to more than 63 million pesos on 717 million pesos in sales of national products.

The border assembly-plant system was extended to the entire country. During the period covered by this report the number of workers employed in this industry rose to 50 thousand.

Contemporary principles of international coexistence reject the exploitation of weak nations in all its forms. There is a growing consensus that accords foreign capital and technology a supplementary and invariably subordinate role with respect to the internal decisions of the recipient countries.

The accumulation of wealth and political power by the great powers leads to profound imbalance in international relations and thwarts the hopes for autonomous growth of less advanced countries. Subordination of foreign investment and technology to the foundations for vigorous economic nationalism.

The Law to Promote Mexican Investment and Regulate Foreign Investment has as its basic objective the consolidation of our economic independence and the prevention of interference in national decisions.

When capital flows are made subject to the policies and objectives we have set for our country, they promote development and become an efficient instrument for the transfer of technology. Their potential field of action complements national efforts for industrialization and increases the perspectives of a domestic market, at present incapable of absorbing the output of highly productive enterprises.

The new legislation defines the activities that are exclusively reserved to the state and to Mexican firms and places limits on the investment of foreign capital. It lays down specific rules and conditions to be observed by foreign investment and establishes the principle of majority participation by Mexican capital. It also places restrictions on the sale of national firms to investors from other countries. The National Commission on Foreign Investment was set up to coordinate the activities of the various departments of the Executive Branch in this field.

No reasons exist for granting special privileges or excessive incentives. We need foreign investment to accelerate our process of growth, but we are not prepared to accept it under conditions that would place the patrimony and the future of the nation at the mercy of any interests foreign to Mexico.

We have no desire to be the passive recipients of scientific methods that have not been created with our own needs in mind or that are only a factor of the production strategy of transnational corporations.

In our view, technology should be a true instrument of cooperation and never a bond of submission. These are the objectives of the Law on the Transfer of Technology and the Use and Exploitation of Patents and Trade-marks.

We shall be independent only insofar as we can count on sufficient information regarding the use of alternative techniques; as we refuse to permit unjustifiable charges for royalties; as we eliminate charges or indirect taxes that increase our production costs and prevent us from creating a competitive industry; as we eliminate limitative clauses or practices such as those that restrict exports or make it compulsory to transfer, free of charge, technical advances or improvements



developed in Mexico. In short, we can achieve economic independence only to the extent that we subject the acquisition of technology to the standards that are most in keeping with the country's interests.

Mexico's overall development should be guided by a clear awareness of the nation's realities and historical objectives. Our nationalism has been forged in the course of long and difficult experience, and we cannot exchange certainties for unsubstantial mirages of progress. To know what we are and to work to the limit of our capacity for what we hope to be, to clear the way for the forces of renewal, to unite through the solidarity of our daily efforts and shared benefits, is the only road that leads to the formation of a prosperous and egalitarian society.

#### EDUCATIONAL POLICY

Educational policy and economic policy reveal with greater clarity than any other Government activity the existing gap between what the nation is and what it wishes to become. Having recognized this fact we sought to devise a strategy in both areas in accordance with the ideals of the national community for change and progress.

One of the main aims of educational reform is to create and encourage studies that will permit our youth to participate in the productive life of the nation without the need for many years of training. It is also designed to eliminate the harmful and elitist notion that only a higher education can give prestige to the individual and provide him with an adequate standard of living.

The gap between the organization of higher studies and job opportunities is becoming increasingly greater. Many professional men face a serious unemployment problem upon graduating from our schools and universities. To deal with this situation, they accept employment which would have required less years of study, or engage in activities for which they have received no previous training.

We must recognize that many educational simple expedient of giving academic credits than to the difficult commitment of teaching students to participate in economic life.

This distortion in the scale of values, which is found in society as a whole, is responsible for the fact that part of our young people attend school not to learn but to obtain a diploma.

The Constitution did not ban titles of nobility only to replace them with professional titles.

Professional degrees must not serve to indicate alleged superiority, but to identify those citizens who owe more to society because they have received more from it.

Serious frustration is felt by our students when their university degree fails to provide them with the advantages which collective pretense had promised them, and when they find that they are unable to serve the community as much as they would have liked.

This disenchantment is, among others, one of the underlying reasons for the problems which affect our major institutions of learning.

When the combative and idealistic spirit of youth does not see adequate channels for self-development in the near future, it adopts attitudes of inconformity.

To hope to solve these problems exclusively within the educational framework reveals a limited view of the phenomenon.

The work to be done must take place both inside and outside the school—inside the school by encouraging the exercise of the democratic prerogative of criticism; outside, through corrective political, social and economic measures necessary for the renewal of the national community within a spirit of progress. In short, it is necessary that our educational system offer opportunities that provide our young people with the certainty that they will be socially useful.

Our policy in the field of public education

must not be examined by itself but within the frame of reference of Government action. The fruit it bears will depend on the progress achieved by the country as a whole.

Society is the main teaching agent and the school only shares in part of the process. We are carrying out educational reform which is not limited exclusively to didactic changes. Its principal objective, as we have already said, is to transform our mental structures.

The aims which guide us are oriented toward shaping a culture which, without divorcing itself from universal humanism and science, emphasizes the features of our own identity, is consistent with our needs and ensures our cultural and economic independence.

We have intensified our efforts to extend the benefits of elementary school education in cities and, especially, in rural areas. Two out of every three new teachers are assigned to rural schools. During the past term more than ten million children attended elementary school.

Approximately a million and a half Mexicans live in rural communities of a hundred people or less. For their benefit, different methods combining school and extracurricular procedures have been introduced. During the past year, 106 boarding schools have been established, strategically located in towns that already have schools with complete programs. Another 125 will begin to operate this month.

Free textbooks—which are decisive elements in a truly democratic education—have been substantially modified. They encourage a scientific attitude and a marked interest in social problems, as well as active participation by the children in learning. They make the teacher a more diligent and confident actor in the educational process. Eighty million copies of these texts have been distributed to teachers and pupils.

Social integration of Indian groups is one of the central concerns of the Government. To this end 16 coordinating centers have been founded in regions inhabited by Indians speaking the Chatina, Chol, Chontal, Huasteca, Maya, Mayo, Mixteca, Nahuatl, Otomí, Yaqui, Zapoteca and Zoque languages. We have increased the number of bilingual promoters, teachers and supervisors and we have also set in motion an intensive program for the teaching of Spanish.

Upon the scope and diversity of our intermediate education depends, to a large degree, a solid base for our country's cultural evolution. Considerable budgetary increases permitted the construction of schoolrooms, laboratories and workshops.

For many years this educational level has followed traditional study programs and has neglected technical education to a certain extent.

For this reason we have established new Technological Schools of Agriculture where, in addition to general secondary school studies, useful instruction in farming and livestock-raising is given. Of 331 schools in existence, 262 have been built during the present Administration.

The capacity of Technical Fishery Schools and Industrial Technological Schools has also been increased.

During the present Administration we have founded 17 Centers for Agriculture and Livestock Studies and 45 Centers for Scientific and Technological Studies. Both types of institution were created by the present Government as the base of an independent system of senior intermediate education.

Students graduating from these schools with a bachelor's degree may, with a minimum of additional requirements, obtain a professional degree as technician.

Excessive enrollment in institutions of higher learning and the high rate of dropouts are partly due to the underestimation with which intermediate technical training was viewed. Our young people must understand

that there are new possibilities for professional training, more suitable to their vocations, and with broader prospects for employment.

Higher education is the culmination of the community's formative efforts. It therefore defines the community's true nature and establishes the essential guidelines for its future evolution.

The difficult mission that our centers of culture face today is to train men who will keep an open mind toward all currents of thought and who have a deep-rooted awareness of their collective responsibility.

This school year the Federal Government invested 3 billion 255 million pesos in higher education. This expenditure is three times greater than in 1970.

To consolidate the system of technical training, during this Administration 12 new Regional Technological Institutes have been built, and the first Technological Institutes of Agriculture will begin to operate next October.

We created the Institute for Scientific and Advance Research at Ensenada and restructured and strengthened the School for Advanced Studies in Tropical Agriculture in Villahermosa, which will begin operating within three days.

The allocation for the National Polytechnical Institute with its 112 thousand students, was 938 million pesos. The Basic Sciences Unit of the School for Advanced Studies in Mechanical and Electrical Engineering began its work.

In turn, a subsidy of 1 billion 179 million pesos was granted to the National Autonomous University of Mexico, which has a population of 220 thousand students.

After a meeting in Mexico City, the Presidents and Directors of our centers of higher learning came to the conclusion that, due to the increasing demand for enrollment, it is urgent to establish a new university in the Federal District.

Consequently, I shall submit a bill for the consideration of Congress proposing the creation of the Metropolitan University of Mexico City.

In an effort to decentralize education, we have taken steps to strengthen all state universities.

All areas of extracurricular education have been expanded. We have given special emphasis to the organization of new institutions and have adapted the old ones to the cultural needs of the people. This is the criterion which prevails in all official activities related to the dissemination of publications and the fine arts. The rate of publications of a cultural nature was maintained and the National Theater, Opera and Dance Companies were formed.

A registry of archeological zones and remains and of historical monuments was established to defend our cultural heritage, and we created the Center for Advanced Research of the National Institute of Anthropology and History.

The abolishment of scientific and technical colonialism is essential to attain total economic independence. From the beginning of our Administration, agencies were created or restructured to coordinate and promote the work in this field.

As a result of this support, many research centers have been able to increase the volume of resources they have channeled into these activities in the period from 1970 to 1973.

The National Council for Science and Technology (CONACYT) promoted the first Continental Meeting on Man and Science, held in Mexico City. The conference brought together over 5 thousand outstanding Mexican and foreign scientists, technicians and students.

In programs to decentralize research, the National Council for Science and Technology, in collaboration with other institutions of higher learning, is developing the Center of

Physical Oceanography and Instruments in Ensenada; a similar one for chemical studies applied to products from desert areas in Saltillo; and another on tropical ecology in San Cristóbal de Las Casas. It also plans to create a Marine Biology Center in La Paz, Baja, California.

The need to acquire technology suitable to Mexico's industrial development obliges us to give great importance to the professional training of young scientists and technicians. To this purpose, we have signed two new technical cooperation agreements and employed other resources so that approximately 2 thousand Mexican graduate students may specialize abroad. This figure doubles that of last year.

The education budget amounted to 15 billion 100 million pesos, 44 percent higher than last year and 91 percent over 1970. And this is what some people call an inflationary budget. It is a matter of providing schools at all levels for the children of the farmers and workers of Mexico. We should point out, however, that in spite of the greater effort we are making to satisfy our growing educational needs, the collaboration of every sector of our national life continues to be necessary.

The federal school construction program is satisfactorily fulfilling its expansion plans. The budget authorized for this purpose came to over 2 billion 302 million pesos, a figure three times greater than the investment made in 1971.

In response to the just demands of teachers, the Mexican Government approved an increase in salaries for pre-school and elementary school teachers totaling 630 million pesos. Salary raises took into account not only the teachers' years of service, but also the studies they had undertaken to improve their professional skills.

Training programs were given to 262 thousand elementary school teachers, while the regular courses for the faculty of teacher training schools continued as planned.

Fourteen thousand 500 new teachers have been contracted for the coming school year. The new positions opened during the course of this Administration have already reached the figure of 37 thousand 800.

The process for educational reform will be incomplete unless legislation is enacted enabling us to implement its essential points. In a few days, I shall submit to Congress a Federal Education Bill which responds to the present needs of the country and to the philosophy contained in Article 3 of the Constitution. I shall also present a bill on Patents and Professional Practice for the Federal District and Territories, in which legal recognition is proposed for many new professions.

Educational reform is the result of the direct assessment of our reality and a constant dialogue with the entire population, particularly with teachers, parents and youth.

Education is a political task because it inevitably shapes a way of life. Education is not imparted for life in the abstract but for participation in the activities of a given community.

The consolidation of national progress requires the cooperation of young people committed to the needs and problems of society, capable of critical judgment about what happens in the country and in the world, and willing not only to fight against ignorance and injustice, but to train in order to overcome these evils.

To the extent that these objectives are attained, public education will fulfill its commitment to Mexico.

#### SOCIAL POLICY

Development is not the accumulation of goods but rather the fulfillment of human abilities. It depends, basically, on the rational and just use of manpower.

To postulate that the increase in wealth is an essential value of the community is to

submit in advance to those who possess it. Economic profitability based on the exploitation of labor is only an illusion of progress that conceals dangerous forms of colonialism.

On the other hand, to link our future to the improvement and productivity of human resources is a reaffirmation of dignity and autonomy.

During the last few decades, Mexico maintained a high rate of growth and made considerable progress toward industrialization. The main emphasis, however, was on the formation of capital assets, which gave rise to serious imbalance. In the social aspect, we have fallen far behind. Our most valuable patrimony, man's labor, has been underemployed and poorly remunerated.

Article 123 of the Constitution, the principal foundation of all our social policy, summarizes Mexican development philosophy. It not only contains the essential criteria for the protection of labor, but also establishes the legal instruments for the attainment of the well-being of the working class, equilibrium in the factors of production, and a more equitable distribution of its results.

Deterioration of the living conditions of wage earners is a dangerous departure from the mandates of the 1917 Constituent Assembly. The decision of the legislative body to confirm these labor standards by including them in a single legal instrument was taken for the purpose of guaranteeing equal rights to all workers. Accordingly, the establishment of separate jurisdictions in the application of these criteria should serve, rather than impede, this egalitarian purpose.

The Executive Branch offers the states its collaboration in strengthening the application of labor laws. We shall issue an invitation to a first nationwide meeting of labor authorities and welfare institutions to initiate a joint effort to enforce compliance with the provisions of Article 123.

At federal level, we have begun reforms and modernization of structures in the public administration of labor. By substantially reinforcing its traditional functions, we are contributing to the preservation of social peace. However, it is not enough to reconcile opposing interests; it is also necessary to program and direct a genuine labor policy.

The Labor Information and Statistics Center will provide full information on the main indicators of this policy. The activities of the Labor Institute have been expanded to make it a research and training center for labor officials and personnel managers, who will be chosen by competitive examinations.

Special importance has been given to labor medicine and safety measures, and the group of labor inspectors has been reinforced by the addition of technical personnel.

Our respect for the right to strike is invariable, as is our observance of the fundamental principle of non intervention in the internal life of labor unions. However, as revolutionaries, we aspire to the constant improvement and extension of the Mexican labor movement.

The labor movement has contributed vigorously to the growth of our economy, to the nationalization of our natural resources, and to our achievements in the field of social justice. Without its combative action, the institutions of contemporary Mexico could not be explained.

We particularly wish to acquaint members of the younger generations with the history of the struggles and conquests of labor. With this purpose in mind, we have created a Center for Historical Studies of the Labor Movement.

Federal authorities have acted as mediators in the drafting and revision of the most important collective labor contracts. A total of 175 such agreements have been signed, giving workers an average 14.5 percent increase in wages and new fringe benefits.

Particularly significant in the national economy was revision of the collective contracts of numerous locals of the Industrial Union of Mine and Metallurgy Workers of the Mexican Republic, and those of the National Railroad Workers, the Federal Electricity Commission and various branches of the film industry and Petróleos Mexicanos. Contract-laws were also revised, bringing substantial benefits for the workers of the Sugar and Alcohol Industry, the Wool Textile Industry and the Rubber Processing Industry for Manufactured Products.

Contract-laws, by unifying and codifying working conditions within a single economic activity, provide a valuable mechanism for social improvement and the redistribution of wealth. They also expedite processes to regulate competition and carry out national industrial planning.

For some time past, labor groups have been demanding the establishment and expansion of contract-laws. In answer to their requests, we shall proceed to call the relevant meetings.

The National Commission for Workers-Sharing in Company Profits has been convoked. The commission will undertake an evaluation of accumulated experience and eliminate complex procedures that have an adverse effect on its essential purpose. By law its duty is to check the percentage of profits that should justly accrue to wage earners, while allowing management a reasonable return.

The tutelary rights of workers and the improvement in their standard of living are the fruit not of altruism, but of the historic struggle of the proletariat. The forty-eight-hour work week is one of its main victories. In Mexico, it was established as a social guarantee in the 1917 Constitution.

It is only natural that labor should fight on all fronts for contracts providing a shorter work week than the legal maximum. In many technically or socially-advanced Mexican companies, workers long ago obtained shorter work weeks.

Union demands for the generalization of this conquest through the establishment of a forty-hour, five-day week, have been the subject of controversy and public debate. In matters of supreme importance for the future of the nation, there should be no ambiguities, nor should uncertainty be prolonged.

The right of workers to benefit from technological advances is beyond question. International experience shows that a weekly rest period of two consecutive days contributes favorably to changing the life-style of the individual, the family and society. It also acts as an additional incentive for the improvement of production methods and the extension of welfare systems.

A joint study committee was formed to find adequate formulas to meet the demands of labor on a national scale. The Government will receive with satisfaction suggestions by the sectors involved regarding measures that may be taken to compensate for shorter hours by a real increase in productivity, and also to make optimum use of free time.

Care must be taken that this social demand be compatible with the requirements of development. The solution adopted should not curtail production, increase inflationary pressures, or reduce the country's ability to compete in foreign markets. Accordingly, it will be necessary to decide ways and means to reduce the work week gradually, by branch of economic activity.

Once the respective studies have been completed, the Executive will be able to set in motion the legal reforms that definitely confirm this labor conquest, and establish rational methods for its implementation.

The minimum wage is a constitutional guarantee which transcends its simple monetary value by seeking to ensure that the



worker and his family will be provided with the basic means for a proper life.

Different economic phenomena, both here and abroad, have caused a marked rise in prices within the last few months. The fixed-income population is suffering the results of imbalance, while minority groups are making exceptional profits by taking advantage of market conditions.

The Executive Branch considers it is urgent to re-establish the purchasing power of the minimum wage. It has sent to this Honorable Congress, through the Permanent Commission, a draft decree authorizing the National Committee on Minimum Wages to adjust the scales now in force with all possible speed.

For the same purpose, I have issued a resolution granting special raises in the wages and salaries paid to Government employees, which range from twelve to fifteen percent in the case of workers at the lowest income level.

The Federal Labor Law provides the means for those covered by its provisions to demand an increase in the minimum wage, and thus maintain both the remunerative nature of the pay they receive and a balance in the factors of production. I am sure that when they exercise these rights, they will meet with a responsible attitude on the part of management.

This effort, and all those that tend to promote a more equitable remuneration for labor, would in the long run prove useless if wage increases are simply transferred to the final price of goods. They would even be self-defeating if taken as a pretext to trigger undue rises in the cost of living.

The Government of the Republic is paying close attention to these phenomena. It hereby announces its intention to strengthen, if necessary, legal and institutional mechanisms to sustain the purchasing power of wages and eliminate antisocial economic practices of usury or speculation.

As of today, we have ordered the creation of certain instruments for the protection of wages. The market conditions that workers, as consumers, encounter have isolated them and weakened their capacity to demand equitable treatment in commercial transactions.

The purchases they must make to provide for their support and to increase the family patrimony are made through a distribution system that is frequently onerous and, as regards credit terms, notoriously unjust, often doubling legal rates of interest. Such conduct acts counter to the struggle for social betterment and prolongs exploitation of the worker.

We have ordered the creation of a National Fund for the Promotion and Guarantee of Workers' Consumption, which will act as guarantor for workers, thereby giving them the credit standing required for loans to purchase durable consumer goods and essential services. The fund will also finance the establishment of union stores envisaged in the Federal Labor Law, as well as of trading centers offering reduced prices.

This institution is an indispensable complement to those that provide workers with proper housing. The objective is to make credit available to all, encourage savings on a broad popular basis, correct the structure of demand, reduce middleman activity, and encourage better distribution of family budgets.

We have instructed finance authorities to ascertain the amount of resources needed to set up the fund before the end of the year.

If workers' wages are protected at consumer level, their true increase will ultimately depend on the degree of efficiency attained by labor, management, and the community in general.

Both workers and our political system, however, utterly reject any idea of productivity unrelated to the concept of justice.

A rise in labor yield due to a mere increase in the work load is not productivity. Nor is improvement of technical processes enough to ensure higher levels of efficiency. If we are to increase respect for human

effort, we must above all have a substantial change in the social climate in which work is performed.

Basic elements of this program include the creation of technical committees responsible for specific productivity projects; rationalization of the transfer of technology; preparation of national inventory of institutions and resources for workers' training; the drafting of a bill for training of the labor force; establishment of a national system of professional orientation regarding the need for and availability of qualified personnel, and coordination of the different production programs already operating in the public and private sectors.

Social Security is a labor victory that the Government is duty-bound to strengthen.

In response to the people's demand for extension of the benefits this system provides, we submitted for the consideration of Congress a bill for a new Social Security Law, which was approved.

In it, we reaffirmed our intention to achieve an integral Social Security system for the double purpose of giving fuller protection to each worker and extending benefits to groups of persons not previously covered by the system.

Existing benefits were improved and new ones added; arrangements were made to permit voluntary membership and, in accordance with our respect for labor rights, provision for medical services to striking workers and their families were made compulsory.

Among the most important new measures are the creation of a system of day nurseries for the children of working mothers and the establishment of the social solidarity system for the protection of fringe groups. Already registered under this system are 40 thousand Federal District newspaper vendors and 535 thousand inhabitants of the textile-producing region.

With the addition of groups of henequen, tobacco and mine workers, among others, the general population covered by Social Security increased by one million 500 thousand, or 14 percent.

A total of 63 new medical units were placed in operation and 74 more are under construction. It should be noted that the number of beds increased by 65 percent and the number of clinics by 37.5 percent over the year before.

Just a few days ago the Social Security Institute agreed to extend benefits to farm families in rainfall agricultural zones.

This measure will make medical services available to 5 million people in 22 states of the Republic.

When beneficiaries of these services are unable to pay their fees in cash, they may cover the quota by personal labor in their respective communities, for their own benefit. The purpose of this provision is to help farmers raise their living standards so that they may eventually be eligible to receive full Social Security benefits.

To provide adequate medical care, it will be necessary to establish several hospital-clinics as well as a series of small outpatient units, which together will provide strong support to the program for the consolidation of the micropoles of development that corn-deposit and sales centers represent.

The Institute for Social Security and Services for Government Employees (ISSSTE) also extended its benefits, providing coverage to 10 new important groups of workers. It continued to sign contracts with local state governments to provide medical care for their civil servants. In this way, it has increased its number of beneficiaries to 2 million employees, 45 percent over its total coverage at the beginning of this Administration.

Child protection and welfare institutions directed their efforts toward integral child-care, strengthening the family nucleus and community development.

Three community development centers are already functioning in the Federal District, and 14 more will begin providing services within a few days. This program will be extended to the entire Republic in conjunction with regional institutes.

A program has been launched to provide farm families with guidance in nutrition and hygiene with a view to improving their eating and sanitation habits.

For nearly a year, children in the Mezquital Valley have been receiving free breakfast; daily distribution of these rations has now reached 31 thousand. As of tomorrow, the number of breakfasts distributed to the children of this area will be increased to 50 thousand per day.

The National Institute for Child Protection and the Mexican Institution of Child Welfare are thereby carrying out their sensitive mission with ever-increasing efficiency.

As a contribution to the over-all development of our youth, the construction of sports installations has been intensified. This work will benefit physical training of rural youth as well as young people in cities. A total of 29 thousand sports fields are being constructed throughout the ejidos of the Republic.

Our labor laws establish the obligation of companies with more than one hundred employees to provide low-cost housing for their workers as a social service. The economic motives that limited the scope of this measure were also responsible for the difficulties involved in carrying it out. It became increasingly evident that the original formula should be replaced by one more in accord with the economic and social realities of the country.

Particular mention should be made of the fact that there are already 3 million workers registered with the INFONAVIT (the national low-cost housing institute), and that 97 percent of the companies contributing to the fund employ fewer than 100 workers.

The Institute, which has been in existence for less than one and a half years, is now handling funds for the equivalent of 9 percent of total Government investment.

It is currently engaged in building 54 thousand 725 homes in 45 towns and cities throughout the country, for a total expenditure of 3 billion 540 million pesos. It has also granted 44 thousand individual home loans amounting to a total 2 billion 200 million pesos.

From the moment it began its work with a fund provided by an amount equivalent to 5 percent of the payroll—a percentage contributed by companies as an additional benefit to workers—management, labor and Government indicated that the program was not a panacea, that it would work gradually to solve the housing problem of salaried workers, and that its short-term goal was to reach an annual construction rate of 100 thousand homes. We are well on our way to achieving this purpose.

Workers, entrepreneurs and Government officials developed an equitable method of selecting the wage earners who, over a period of time, would obtain homes or building loans allowing them to build their own homes.

With the aid of Mexico's largest and most modern computer systems, an extraordinarily rapid job was done of drawing up a list of nearly 3 million workers, who have now seen from the first drawings that winners are selected on a just and impersonal basis. As it happens, there are a number of unions whose members earn wages high enough to enable them to purchase land on their own and to build housing complexes in the usual way, or to synchronize their efforts with the system established by the Institute and join with other unions in the construction of large developments that will provide housing facilities for many or all of their members.

Last year, we promised Government employees and members of the Armed Forces that we would take action to bring about the legal reforms necessary to provide them with similar services. Once the reforms were approved, the funds for this, which today total 948 million pesos, began to be used. Construction is now underway on more than 10 thousand homes for these public servants.

The number of houses built in Mexico City is exceptionally high. During the past year, the Department of the Federal District built 7 thousand dwelling units and the National Public Works and Services Bank, another 4 thousand 100. Within a short time, construction of 42 thousand homes will have been completed.

The FOVI has financed the construction of 16 thousand 400 dwellings in various cities of the country. For its part, the Fund for the Guarantee and Support of Housing Credits approved 7 thousand 443 applications for home loans in the last year.

The problem is not that production of building materials has dropped; it has increased, but demand, too, has risen, due to these social programs for low-cost housing. Most of the more than 60 industries involved in the production of building materials are enlarging their installations and stepping up production.

We must accelerate production in this area because the construction rate of low-cost workers housing is also being increased in many cities and small towns.

Rural areas, too, will undoubtedly soon be adding to the demand for building materials in view of the housing programs for farmers that began on a modest scale and are now being expanded.

We must also take into account the needs of the flood and earthquake-devastated areas in the states of Guanajuato, Michoacán, Chlapas, Tabasco, Puebla and Veracruz. The demand for construction materials in these areas is already heavy, and we must provide them in a spirit of social solidarity at official or traditional prices.

We hope, therefore, to see a concerted effort to meet the demands of these construction or reconstruction programs.

During my recent trip abroad, I had the opportunity to note the similarity of problems faced by great cities everywhere. This enabled me to exchange statistics, information and opinions with Heads of State, mayors and municipal authorities of the various capital cities I visited.

There is a noticeable tendency everywhere toward concentration of the population in cities. The causes of this phenomenon are numerous, but the principal motive lies in the difference in living standards of the urban and rural sectors. The grave problems arising from urban growth have created an urgent need for structural changes in each country's domestic policies and even for the revision of the organizational models that will provide guarantees for a future society.

In dealing with urban development, we have given preference to infrastructure works and improvements in low-income areas. Large districts and even entire cities in which poverty-stricken inhabitants existed without paved streets or services were transformed into decent settings for human life, as in the case of Ciudad Netzahualcóyotl.

Another important step was canalization of the Tijuana River, in which the sum of 140 million pesos was invested, and completion of the Urban Center 70-76, which provides new living quarters for 350 families who were living in the affected area.

Work on the Acapulco Plan continues, as do federal urban improvement programs in Ciudad Juárez, Ciudad Madero, Matamoros, Nuevo Laredo, Tampico, and low-income sections in the city of Veracruz.

Additions and reforms to the Organic Law of the Department of the Federal District

were promulgated to perfect the process of administrative decentralization.

Among the more important of these measures was the creation of District Attorney offices in low-income neighborhoods to provide legal protection and take the necessary action for proper registration of property.

The city's growth in recent years had led to an increase in so-called "horizontal property". The Law on the System of Real Estate Property in Condominium for the Federal District and Territories offers greater legal security to owners.

FIDEURBE, an organization to promote the rational use of land in depressed areas, was brought into being. Work is underway on property registration in 500 neighborhoods, with the collaboration of both developers and residents, who must establish their right to the property they occupy and determine costs and terms of payment for the lots.

We have made satisfactory progress in programs for rehabilitation of "lost cities", moving thousand of families to housing centers built to meet the requirements of a modern city.

One of the basic problems besetting the Valley of Mexico is the difficulty of supplying it with drinking water. At present, the Federal District receives a volume of 35 cubic meters per second. The cooperation of all citizens is essential to avoid waste of this natural resource, so scarce and so necessary to life. A 7 percent increase in sewage treatment capacity, however, has permitted better utilization.

Huge deep-drainage works now include the drilling of 42 kilometers for the central emitter: 10 more than last year. Four kilometers more have been drilled for interceptors. This work, carried on out of public sight, is designed to carry off sewage and rainwater, thus preventing flooding in Mexico City.

We have greatly improved the electric transportation service in Mexico City with the renewal of over 70 percent of the equipment. The construction of another 13 kilometers of the Collective Transportation System will be undertaken in the near future.

The National Health Convention is an unprecedented event in the annals of our medical history. Its scope and scientific importance constitute a new and exemplary point of departure in the struggle to procure the total well-being of our people.

More than three thousand delegates from all parts of the country met at this assembly to undertake an exhaustive study of actual conditions in health, welfare, and social security. The papers presented by eminent specialists, representatives of medical academies and associations, and by federal and state officials, comprised a vast sum of knowledge that is being used at present to compile the National Health Plan.

I would like to place particular emphasis on the gratitude of the Government to the members of the medical profession who participated so enthusiastically in this congress, and point out, at the same time, that unity among them is an essential condition to promote the improvement of our social life based on a firm foundation of individual health and fitting standards of family living.

The deterioration of our environment is one of the main concerns of public opinion. The life and well-being of societies depend on the strategy adopted to maintain a balance between development and preservation of the ecology.

Regulations were issued for the Prevention and Control of Water Pollution. In the period covered by this report, 31 programs of reforestation were undertaken throughout the national territory. In the Valley of Mexico alone, 3 million trees were planted over an area of one thousand 667 hectares.

Despite the efforts of the Government, it will not be possible to reduce present levels of pollution without the active cooperation and interest of every citizen.

#### ECONOMIC POLICY

From the beginning of my mandate, I proposed to the country the modification of the strategy for development. The objectives we then set forth and which we now reconfirm with facts were the result of a democratic consultation between the masses of the people and all sectors of economic activity.

Soon this Administration will have completed its third year. Therefore, this is a propitious occasion to make an assessment of the results of the actions undertaken and of the domestic and foreign circumstances that counsel us to adjust the policies adopted in order to attain their goals more effectively.

After a period of consolidation in which it was necessary to reduce the overall volume of public and private expenditures, though also the rate of indebtedness, all branches of activity experienced a marked upturn, reaching their highest levels toward the end of last year.

Economic expansion cannot be checked in a country with a high rate of demographic growth and social needs that have been postponed for centuries. The Federal Government assumed the responsibility of promoting productive activities by consistently increasing its outlays, in accord with development program priorities.

We made essential changes in the tax collection system in order to increase revenue. The fiscal reforms which this Congress passed in December 1972 strengthened federal, state and municipal finances. To fight tax evasion, certain modifications in the tax collection system were introduced and its decentralization was accelerated.

During the first eight months of this year, the effective budgeted revenues of the Federal Government showed an increase of 20 percent, while expenditures increased 28 percent. Outlays were based on priorities in order to obtain greater balance among immediately productive expenses and disbursements for infrastructure and social projects.

The numerous fiscal incentives the Federal Government grants facilitated the import of capital goods and industrial decentralization, specially favoring the economically depressed areas. Border assembly plants and mining activities were particularly benefited and an incentive, similar to one applied to exports, was established for the sale of technology abroad.

The rapid growth of demand for goods and services during 1972 constituted the driving force of economic recovery. The main factor was public sector demand, as a result of increased spending. Private investment also grew, although at a slower rate, due both to subjective factors and to limitations in the capacity of our productive structure.

Thanks to the way we oriented economic growth, consumption was strengthened by wage raises and increased employment. The intensive use of labor in rural areas and implementation of undeferrable projects of social usefulness contributed decisively to this growth.

The gross domestic product rose by 7.5 percent during 1972.

Agricultural activities were granted exceptionally high financial resources. This sector produced large surpluses for export. However, important shortages were created in certain food products due to floods and droughts which made it necessary for us to make purchases abroad.

The increase in durable goods and, in general, in all manufactured products, was remarkable. The construction industry expanded importantly due to the reactivation of public works and massive low-cost housing programs.

Diversification of exportable supplies consolidated the opening of foreign markets and offset the outflow of foreign exchange used to buy goods necessary to assure our process of industrialization. According to preliminary



estimates, exports between September 1972 and August 1973 reached an approximate total of 23 billion 200 million pesos, that is, 18.6 percent more than in the comparable period of last year.

The sale of manufactured goods represented 43 percent of the total, which confirms the competitive capacity of Mexican industry. During this period, our sales to Japan increased 38 percent, Great Britain 65 percent, Canada 48 percent and the People's Republic of China, 55 percent.

Tourism maintained its high rate of growth. The number of visitors increased by 11.9 percent and our revenue on this account, 22.7 percent.

However, during the first months of 1973, clear symptoms of inflation reappeared. Abnormal rises in prices, in money in circulation and imports indicated an imbalance between total supply and demand. There was also overcrowding in transportation and shortages in the supply of fuels and power and other basic products.

Economic fluctuations transmitted from abroad adversely affected our domestic efforts. The deficit in the balance of payments of the United States and the imbalance in international money markets led, during February last, to a new devaluation of the dollar with respect to the currencies of other countries with which we have commercial relations. The adoption of emergency measures by these nations to avoid the excessive flow of speculative capital which threatened their own stability, led to the abandonment of the guiding principles of the international monetary system.

Also observable on a worldwide scale is a growing scarcity of food products and raw materials essential for development. These shortages are caused by population growth and the incorporation of millions of human beings into the consumer market, as well as by a relative depletion of existing natural reserves, insufficient crops and structural deficiencies in systems of distribution.

These monetary crises permit countries which have a surplus of foreign exchange to stockpile raw materials and engage in speculative activities in world markets. To this we must add the intervention of transnational corporations which take advantage of positions of monopoly to distort normal competitive mechanisms.

Inflation thus has an impact not only on industrial costs but also, to an excessive degree, on consumer prices. International prices of some basic products have, in only a few months, increased twice and three times over. The countries of the Third World are particularly affected by this phenomenon, and though it seems paradoxical, the nations which through our own efforts have developed sufficiently to participate to a greater degree in the world economy are the ones that suffer most.

However, the causes of the inflationary process are not exclusively a reflection of external influences. They are also a consequence of specific domestic conditions. A rapid process of economic expansion and the broadening of distributive policies require a period of adjustment to adapt increased demand to the behavior of management and the proportion of the productive system.

The most important instances of insufficient supply were felt in the agricultural sector which for the past two cycles has been affected by unfavorable weather conditions. Excessive rainfall in the northeast of the country and droughts in the central plateau reduced the corn and sorghum crops, already small due to the problems which for some years have affected agricultural production.

Lack of foresight regarding the volume of private investment needed to satisfy demand in certain fields, and speculative operations by middlemen, originated shortages in industrial supply. Not only do those who violate the essential norms of solidarity harm

the interests of society, but also those who maintain in idleness resources that are the result of the common effort of the people.

To affirm that investment and the consequent rise in prices is the result of Government economic policy is a falsehood which only favors the interests of reactionary groups. What the Administration has undertaken is precisely to correct conditions that dislocate our economic life.

Obviously, in Mexico, Government spending is not and never has been excessive. It is notoriously insufficient to satisfy collective needs and as has been proven during the past year, the impulse it provides is indispensable to maintain the rate and continuity of growth.

Having decreased the prospects of foreign debt to which we restored excessively in the past, our economic equilibrium depends, essentially, on the fair contribution of private enterprise to public expenditure. Wealth which is spent on superfluous consumption should be transferred, to a much larger degree, to the achievement of the basic aims of the community. This is the key mechanism for redistribution of income.

Some countries have adopted inflation as a technique for growth. Mexico wishes to continue advancing through a stable economy. The rise of inflation is contrary to the aims of the community because it permits those who have the most to increase their profits, while those who have less suffer a loss in their purchasing power.

But if out of fear of inflation we were to permit income to continue to concentrate in a few hands, we would endanger the country's stability and its possibilities for true development.

We must, therefore, at the same time control inflation, promote growth and redistribute income. To this end, we have set in motion an economic program to deal with excessive demand, insufficient supply and abuses of speculation.

Until we can organically reduce the imbalance between supply and demand, it is necessary to regulate the latter through adjustments which I have authorized in global Government expenditures. We have reorganized our disbursements so that their rate, insofar as possible, will keep pace with the general evolution of the economy.

Its structure by sectors is also being reviewed so that preference may be given to directly productive activities within a financial framework strictly adjusted to budgetary levels. We must discourage, for the present, any venture, expense or investment, whether governmental or private, which does not increase the supply of goods and services.

The financial authorities will prevent an excessive expansion of credit, but they will even more firmly support financing of production, principally in rural areas. They will tend to restrict nonessential consumption and excessive inventories, and favor instead consumption by the people of basic commodities.

We shall maintain the exchange rate of 12.50 pesos to the dollar and shall not establish exchange controls for transactions of goods and capital. This invariable policy is essential under the present circumstances to promote confidence and encourage public savings and business investment.

Our financial goals are backed by total reserves of 25 billion 137 millions pesos held by the Banco de México, of which 16 billion 59 million are gross reserves in gold, silver, and foreign exchange, and 9 billion 78 million, secondary reserves in various financial institutions abroad.

Through the coordinated action of all its agencies, the Federal Government is promoting maximum use of installed industrial capacity, as well as of farms and ranches which can rapidly increase the supply of food products, raw materials, and goods for immediate consumption.

The Government is also strengthening measures to encourage private investment, especially in those areas that have shown greater scarcity of supply. This firm action must be reciprocated by the more decided sharing of private investors in the work of development.

The country could not feel confidence in those who would subordinate an activity which is essential to the community, to psychological factors, prejudices or unfounded suspicions.

Quantitative and qualitative production growth depends not only on the increment in rates of investment. Basically it implies the use of our great national reserve: organized labor. It presupposes persevering action to reduce fringe groups, to integrate the country in its social and physical aspects, to improve standards of living, and give each and every Mexican a greater capacity to produce and consume.

Solutions to inflationary problems do not necessarily have to be conservative, as some try to make the nation believe. Measures adopted to curb wages provisionally are justifiable only in societies with high levels of income and well-being.

It is understandable that highly developed countries with low rates of unemployment would prefer to face social costs of a temporary decrease in employment rather than the risks of an increase in economic costs, which would reduce their possibilities to compete internationally.

In Mexico we want to foster production from its base. With this criterion, we decided to increase the guarantee price for corn and beans, as this is the source of income for millions of farmers. For similar reasons, we moved to raise the salaries of Government employees and to request Congress to authorize an adjustment upward in the minimum wage scale.

Similarly, as of today, a 15 percent raise will be granted to the members of a sector that has always shown unvarying loyalty to our institutions: the Army and the Navy.

The Mexican Government cannot ask the low-income groups to bear, alone, the burden of inflation, while certain minority groups take advantage of market conditions for their own benefit.

However, wage raises could be counterproductive unless they are backed by a rational price policy.

Entrepreneurial organizations, encompassing bankers, industrialists and businessmen, have accepted the commitment to absorb, without affecting prices, the wage increases that may be accorded to restore labor's purchasing power.

In a coherent program designed to prevent an inflationary spiral, they have agreed to maintain prices in effect as of July 31, 1973 for basic commodities, for a period ending March 31, 1974.

During this period, only rises in basic production or marketing costs that jointly exceed 5 percent, will be added to the price of goods. In this way, profit margins will not be excessive and speculation, which responsible and nationalistic entrepreneurs should be the first to condemn, will be averted.

I have given instructions to the competent authorities and institutions to work out the methods that will guarantee fulfillment of this commitment and, in cases of noncompliance, enforce it.

The responsibilities incumbent upon each sector at this time are clearly defined. From this tribune, I call upon all social groups to solve the controversies according to law, through negotiation and true patriotism.

Antagonistic feelings among divergent economic interests usually become more acute during inflationary periods. It is up to the Government to see to it that the general interests of society prevail and that its future is guaranteed. The revolutionary nature of our governmental system is not open

to question: we are in complete solidarity with the cause of the people.

Just as we demand at international level that the rights of the Third World be respected, so in Mexico we seek to ensure justice for the farmer and the worker. In the same way that we fight in order that fairness and a sense of survival prevail over irrational violence, so in Mexico we shall maintain national harmony to assure prosperity for all.

## MESSAGE

Honorable Congress of the Union:

We have worked untiringly to serve the nation. We have rejected all forms of authoritarianism. We have extended systems for consultation with the people and we have renewed essential aspects of our political life.

The practice of democracy does not end with the election of Government officials. It also means the exercise of civic rights and a state of public awareness.

That is why we have opened debate on matters which, until recently, were treated with useless bureaucratic secrecy. We encourage all citizens to express responsible opinions because we do not believe in silence as a valid form of agreement or consensus. To prevent the legitimate expression of social differences neither resolves nor eliminates them; it only disguises and aggravates them.

The people know the dangers of actions by a closed-in Government, the mistakes and tensions that arise when Government leaders do not live immersed in reality or when they consider themselves to be distant arbiters, and not sensitive participants in the social process.

All groups and individuals must be co-participants in political decisions, for together they are the true expression of the will of the nation.

We promote change but do not confuse what is desirable with what is possible. We accept the risks and limitations involved by strengthening, not suppressing, our democratic process.

International circumstances are difficult for developing countries. At every step we encounter the opposition of powerful interests and deep-rooted prejudice. It is only through the concerted will of all Mexicans and mutual trust between the Government and the people that we can advance toward the creation of more equitable forms of coexistence.

We are particularly concerned about the renewal of our political system and the transformation of our economy.

Mexico does not wish to lose itself in the labyrinth of an imitative consumer society. For the time being, its resources are only enough for a dignified life without superfluous luxuries. Future prosperity depends on its capacity to reorient the course of its productive forces in terms of law and political unity.

We do not govern only for today or for just a few. Each decision demands a broader perspective. We are clearly aware of Mexico's past course and what it must do in the future. We are concerned with the destiny of this and future generations. We take into account the opinion of social organizations and the voice of those who do not have the necessary means to make themselves heard.

We are carrying out a program which recognizes social complexities. We do not pretend to impose dogmas nor do we claim to possess absolute truths. We are acting within reality and not in the context of an oversimplified world. In our work, we face an accumulated backlog of the past, the problems of the present, and the possibilities of tomorrow.

We refuse to identify the administrative function with bureaucratic routine. A leader's desk must not be a barrier or a privilege, but an instrument of work.

We leave it frequently in order to confront specific problems, to get direct information

on the needs of our fellow citizens, and to give instructions for immediate solutions.

And, far from remaining indifferent to world change, we have travelled to other countries to reaffirm Mexico's international doctrine, to defend our interests, strengthen bonds of friendship, and to establish relations that reinforce our political and economic autonomy.

Privileged groups invariably confuse general progress with their own, and fight every change that threatens their private interests. They forget, however, that wealth is not unlimited, and that its excessive accumulation presupposes the impoverishment of other sectors and inadequate compensation for human labor.

Social peace, a prerequisite for any stable economic process, cannot be enduring under conditions of injustice. We have always been aware that a program of transformation such as the one we have undertaken would face opposition from sectors, groups, and individuals who always look to the past, whose interests are in conflict with those of the majority, and whose actions and ideologies are alien to our national objectives.

It is necessary that all Mexicans, even those who have yet to understand the meaning of and necessity for the changes we have set in motion, now join in the collective task. The country needs their creative capacity and their human effort to transcend its present stage of historic evolution.

There can be no greater waste than the dispersion of wills. The national unity we call for today is not simply a principle of permanent coexistence; it is also a postulate for progress. We Mexicans have many common objectives to achieve before we can devote our attention to the pursuits of individual or group interests.

At this time, almost three years after my inauguration as President, the Government bases its action on the extensive and solid alliance of the people, without renouncing any of its original goals.

In reaffirming my confidence in the destiny of Mexico, I undertake before this Congress to continue upward toward renewal and onward along the road of the people.

#### WE MUST PUT OUR NATIONAL HOUSE IN ORDER

Mr. MANSFIELD. Mr. President, the Watergate and related inquiries will continue to be as important if not more important until the facts are fully clarified and corrective legislation is designed and recommendations are made to the Department of Justice. The Senate committee is not concerned with imposing penalties and will not do so. That is a matter for the courts. In the end, that is what the hearings are all about.

Just as important, however, the functions of the Government in the executive and legislative branches must also continue; the immediate problems confronting the Nation must be faced.

There are matters of overriding importance at this time—inflation, about 8 percent and especially the price of food which will show close to a 20-percent jump in calendar year 1973, a gathering energy crisis, campaign reforms, health, education, the skyrocketing cost of housing, and many others. These needs must be attended to and attended to now.

The Senate has been moving to face up to these issues. Together with the House, the Senate has been and is ready, able, and willing to work closely with the executive branch under the President in coping with these problems and in finding solutions.

Ahead of us lie growing shortages in gasoline and heating oil. Money is already in tight supply as attested to by prime interest rates of 9 percent and above. It is shocking to note, too, that in spite of a decline in the unemployment rate to 4.5 percent, in spite of an inflationary boom, there are also fears of a recession.

The record of the Senate has been an excellent one so far this year. It will be even better in the months ahead. While there may be differences between the executive and legislative branches, I want to repeat that there is no obstruction of the regular functions of the Government. Insofar as the Congress is concerned, there will not be any obstruction. On that score, the leadership in both Houses—Republican and Democratic alike—is in full accord. The U.S. Government must continue to function, it is functioning, and it will continue to function.

We are passing through a difficult period. It is not only Watergate and all that it implies. It is years of neglect of inner national needs. It is the long night of a devastating war.

With the phasing-out of the war in Indochina and the establishment of a truce and ceasefire in the Middle East, it seems to me that we must turn to face directly the urgent difficulties inside this Nation. To be sure, major problems still confront us abroad and they must be dealt with in the long-range building of a stable peace in the world. All of them, however, will be more readily resolved if we do what we must do at home to put our national house in order.

Mr. SYMINGTON. Mr. President, may I express my congratulations to the distinguished majority leader for his logical and able presentation this morning.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished Senator from Missouri has just said.

Mr. HUGH SCOTT. Mr. President, I agree with the distinguished majority leader's always rational approach to our duties and our responsibilities. I hope it is a matter well understood by the public that in the midst of all our problems and difficulties, a war we were in, and a war we are now out of; the problems of inflation; the problems of unemployment, which is at a new peacetime low—a new low for almost 4 years; and the gradual improvement of our economy—all these are good things.

On the other hand, there are other problems which concern us with regard to all the crises, foreign and domestic; and during all this time the Senate and the House of Representatives have proceeded rationally and responsibly in the conduct of the public business. The Democratic Party has acted responsibly, and the Republican Party has acted responsibly. The two-party system in this country is firmly embedded in our practices and in its operation.

I think it is important that we remember that the right of the Executive has been preserved. He has, in fact, had eight vetoes sustained in Congress. On the other hand, the right of Congress to be head on important matters, particularly those of national defense, has been preserved. We have worked out



and adjusted many of our differences. We have done all this in the midst of a turmoil that is unprecedented in the country's history.

I think—and I have said—that it is time to bring to an end some of the recurring crises that confront us. The way to do that, I believe, is to make full and complete disclosure of all information by the Executive which would have any bearing whatsoever on the numerous and almost altogether unproved allegations against the administration. The way to do it is simply to give the American people all the facts and to let them judge.

We are not going to lance this boil on the body politic unless we use the kind of measures which will bring about not technical delays, not long processes in the courts, but a mutual spirit of accommodation which itself can go a long way to bring back the confidence of the American people in the operation of our Government—in the legislature acting responsibly, in the administration acting responsibly, and in the court system, in which we all have faith and complete confidence. I believe there are ways in which this can be done. I am in favor of doing it.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New Mexico (Mr. DOMENICI) is recognized for not to exceed 15 minutes.

Mr. DOMENICI. Mr. President, I yield 3 minutes to the senior Senator from Missouri.

Mr. SYMINGTON. I thank the distinguished Senator from New Mexico for yielding.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that any time given by the distinguished Senator from New Mexico to the distinguished Senator from Missouri—and I do this with the approval of the distinguished assistant majority leader—be taken out of the time allocated to the Senator from West Virginia (Mr. ROBERT C. BYRD).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE FARCE THAT IS OUR BASE AND TROOP POSITION ABROAD

Mr. SYMINGTON. Mr. President, for a number of years, along with many other Members of the Senate, I have questioned the tens of billions of dollars the United States has been spending in Europe on personnel and bases, much of this spending having been made with the premise that these American military, their equipment, and the bases themselves would be important "staging areas" for possible utilization in case of trouble.

Now we know that these apprehensions have been only too true. Except for Portugal, not a single country in Europe would allow us to use any of these "so-called" U.S. bases and facilities so as to reinforce our shipment of arms to the Middle East.

Let us not kid ourselves with all this

talk about multilateral force reduction and so forth. The people of the United States have been taken and taken plenty, to the tune of tens of billions of dollars; and the irony is that the expenditure of all these billions of the taxpayers money have been at the expense of true national security, because a sound economy, with a sound dollar, is vitally important to the latter.

In this connection, I ask unanimous consent that an article by Richard Mowrer from the Christian Science Monitor, dateline Madrid, October 30, entitled "U.S. Bases in Spain—Open, But Inoperative in Crises," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### U.S. BASES IN SPAIN—OPEN, BUT INOPERATIVE IN CRISES

(By Richard Mowrer)

MADRID.—The Middle East crisis has brought into sharp relief serious weaknesses in the United States' agreement with Spain over joint military bases.

Conflicting views and divergent attitudes on the part of the two military partners indicate that the full effectiveness of the American-manned air and naval installations here tend to be much reduced when there is a world crisis:

When President Nixon put American forces on global alert the Spanish Government announced that the alert did not apply here. In a statement to the press Information Minister Fernando de Linan said the bases used jointly by Spain and the United States were not affected by the alert "because under the treaty of friendship and cooperation the consent of both governments is required."

When the Middle East war exploded Spain let it be known that it would not permit the joint bases to be used in connection with "a local conflict such as the Arab-Israeli war." The purpose of the joint bases, it was stated, was "solely" to counter a threat or attack against the security of the West.

Within days a second statement was even more explicit. It said the bases could not be used in connection with the Middle East war "at any time, in any way, directly or indirectly."

The prohibition has denied the U.S. use of the bases here as staging areas for airlifting supplies to Israel. In previous crises, such as the Lebanon crisis of 1958, and following the Six-Day War in 1967, the bases in Spain had served in varying capacities.

#### ARABS BACKED

The Spanish attitude is prompted by the fact that it is General Francisco Franco's policy to back the Arab cause in the Middle East. Madrid has never recognized the State of Israel. Reasons for Spain's pro-Arab policy are: dependence on oil supplies from Arab countries and hope that Arab pressures on Spain to give up its possessions in Africa (Spanish Sahara and the enclave cities of Ceuta and Melilla) can be fended off.

According to American officials, the U.S. did not in any case ask to use the bases in Spain in connection with the airlift to Israel, so the question of their availability never arose.

What is not clear is to what extent the operational scope of the U.S. Navy and Air Force elements based in Spain has been affected by Spanish restrictions. The 16th Air Force, with headquarters at Torrejon, commands units across the full length of the Mediterranean. The naval base at Rota provides logistics support for the Sixth Fleet.

#### KEY PROVISIO

Ambiguity surrounds the question whether President Nixon's global alert applied to the

bases in Spain. It is a question American sources here are reluctant to discuss. It would seem, however, that the American military in Spain was, in fact, alerted and responded accordingly. If the opposite is true, then the picture is indeed startling.

A key proviso of the Spanish-American agreement of 1970 is that "There shall be urgent consultations between the two governments if there is an external threat or attack against the security of the West."

American officials would not comment when asked if there had been consultations, as provided for in the agreement, when the crisis escalated to direct confrontation between the United States and the Soviet Union. It would seem that in American eyes there was a threat against the security of the West requiring "urgent consultation" with the Spanish Government.

#### NO CONSULTATIONS

But Spain, it appears, did not see the situation that way. The impression one has is that if the Americans requested urgent consultations they didn't get them.

The U.S. agreement with Spain over the bases is 20 years old, but even though it provides for military cooperation, it is not a full-fledged military alliance. This status is a sore point with Spain, which is not a member of NATO. The feeling is strong in Spain that whereas the United States and the rest of Western Europe benefit from the Spanish link to Western defense, Spain is not getting its due.

Spain would like the American connection to include a clear-cut undertaking to protect Spanish territory in case of attack. But the deal with Spain is an executive agreement and consequently does not go that far. This being so, the inclination here is to be not all that cooperative when a crisis situation flares up.

#### NEED FOR CONGRESSIONAL BUDGETARY REFORM

Mr. DOMENICI. Mr. President, I know that today many Americans and certainly most Senators and Representatives in this land are concerned about matters that are not usual for us. Yet, it seems to me that while we together try to come to some solution to that problem, a solution that basically, it seems to me, must come in the method and manner suggested by the Senator from Pennsylvania (Mr. HUGH SCOTT) this morning, I thought nonetheless that even though that problem bothers me, I should return to the floor in the manner I had planned some 3 weeks ago and talk about the appropriating process that the U.S. Congress uses and once again remind my fellow Senators of this very serious problem.

I believe that when I spoke about this subject before, I made it clear that I feel that the system we presently use for appropriating funds appears to me to be totally beyond the bounds of logic and reason. That is a most serious charge, especially for a new Member of the Senate; but because it is, I would like to pursue it further, to buttress my case with additional observations which I hope will make my arguments more compelling.

Today, I would like to address myself to two problems in our present procedures of spending the money that the American taxpayers give us to spend on their behalf: Our failure to relate spending to revenues, and the total absence of priorities in our approach to spending.

If the Members of this body will bear with me, I would like to point out the inevitable confusion which results from both these facts and the danger to our country which follows from them.

Let me begin by saying—as I have already implied—that my arguments will not be based on some esoteric and inexact study called economics, which many of us find more often confusing than enlightening. They come from something more basic than that—from logic, the application of human reason to the problems man faces.

In this case, the results of our confusion, because they can be expressed in dollars and cents, may be economic in nature. But the source of our error, it seems to me, is our refusal to use our reason and to proceed in a logical way.

I do not believe that reason is a faculty from whose use Congress is exempt. In fact, because of the nature and importance of our endeavors, I think we are bound to it and to use it to a degree to which no private citizen can be bound. His mistakes in judgment affect only himself, a family, or a business; ours affect a Nation—and, in these times, a world.

How does a private businessman or professional man approach the sorts of problems we are talking about today?

Whether he is a member of the board of a giant corporation or the proprietor of a one-man shop, he plans. He projects himself into the future. He studies the past and present history of his enterprise and, on the basis of that study, attempts to find realistic answers to two questions:

What can we expect as a ratio between what we take in and what we will be expected to spend?

When we spend, which items are essential and necessary to accomplish our ends and which are incidental or dispensable?

These questions are so basic, no business can ever succeed without answering them.

Yet Congress, in conducting the largest business enterprise ever developed by man, does not even ask these questions.

It probably does not matter what the forces of history were which led Congress to its present procedures. But it matters very much that the procedures defeat the application of logic and clear reasoning, that they make it all but impossible to go forward in a way which commonsense itself tells us is essential.

When this is so, it is not logic and reason which must be changed; it is procedures.

Do we, in fact, relate revenues—our annual income—to expenditures?

The answer to that is simply that at no time does either House, acting as a whole, examine any budget to pass judgment on whether its total is appropriate to the needs of the country or wisely related to expected revenues.

I say "any budget," but as we all know, there is only one budget—that drawn up by the President—since Congress does not even prepare such an essential document.

It is true that our Appropriations Com-

mittee normally begins its year with hearings on the President's budget recommendations. While their hearing record is printed, no formal report with an overall evaluation of the budget is made to Members of this or the other body.

Expected revenues, again, are examined by the Finance Committee when they act on a limitation on public debt. Yet their aim, as we all know, is to determine as accurately as they can what the gap between spending and receipts will be—not to help adjust spending to a level consonant with income. It would appear that the committee acts on the judgment that Congress has already made most of its spending decisions and it would not be appropriate for them to force those decisions to be revised.

Finally, the Joint Economic Committee holds hearings on such matters as the President's budget and submits a report to Congress—but that report has no direct effect upon us, because it is not a part of our legislative program, procedure, or requirements.

Thus we have a Congress which has no machinery to answer the fundamental question of businesslike procedure: What can we expect to take in and what can we expect to spend?

As to priorities of individual expenditures, our position is even worse.

Here the question is not merely one of how appropriate a single, top-dollar figure is to both revenue and the needs of the country; it is a question of the appropriateness of a series of proposed expenditures, not merely in and of themselves, but also in relationship to one another and to the total figure which I already discussed.

This is many times more complex than arriving at an overall budget total—but that does not mean it is any less necessary.

Unless all proposals can be viewed in relation to each other, how can their validity be determined?

In short, unless we can somehow devise a method for expressing a weight or priority for each category of our spending, we can never spend with the degree of rationality our job requires.

Certainly the present system, in which we face each session more than a dozen major appropriation bills, each presented to us separately and without reference to one another, only leads to economic chaos.

I have today used some strong language about our lack of an adequate system. If you are inclined to feel my descriptions are unjust, I call your attention to the results: A rate of inflation which bleeds away the value of all our holdings; spending which exceeds revenues and puts by nothing for tomorrow in session after session of Congress; and a tax structure which continues to spiral upward toward infinity.

Surely these are facts which persons of all persuasions must recognize. Surely it is incumbent on us to do something about them, even if that requires drastic surgery on our time-honored methods of procedure.

Surely logic will accept nothing less.

Whether you agree with me or disagree, I invite you to make your thoughts

heard. For this is the most important legislative body in today's world; and for it to continue to proceed as though what it does makes sense when in fact it does not is an almost criminal affront to reason.

I am critical of no one for the situation in which we find ourselves today. I only invite you to consider it logically, as I hope I have begun to do—and then to join me in my resolve that outmoded procedures must be replaced, for the good of the country and the world.

#### ORDER OF BUSINESS

Mr. DOMENICI. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is to be recognized.

Mr. STAFFORD. Mr. President, on behalf of the Senator from Michigan (Mr. GRIFFIN), I am authorized to and I do yield back his time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the time to be taken out of the time of the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to address the Senate on the time of the Senator from West Virginia.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

#### THE CONFERENCE REPORT ON MILITARY PROCUREMENT

Mr. MANSFIELD. Mr. President, it is my hope that when the conference report on military procurement, H.R. 9286, is brought before the Senate this afternoon, there will be a rollcall vote on final passage. I shall insist on that because of my strong feelings on this legislation and what has been done to it in the course of what is sometimes referred to as a conference.

The American presence in the war in Southeast Asia has ended; the cry for the domestic needs of our people at home has become more widespread; constituents believe that at last America is shifting her priorities from war to peace. But it seems that the more one hopes for change, the more one realizes that some things remain unchanged and bogged down by the tired old rhetoric of yesterday.

The defense outlays for this Nation would appear to be uncontrollable, or to state it more accurately perhaps—out of



control. Total outlays for national defense will increase from \$78.3 billion in 1972 to \$81 billion in 1974. Authorizations for spending will increase from \$80.3 billion in 1972 to \$87.3 billion in 1974. There is no control over this rampantly burgeoning complex. It is inconceivable how much of the Nation's wealth is being consumed by this insatiable complex. In an attempt to understand how much money is involved, compared this total to the State budgets of the 50 States combined. The 50 Governors of the 50 States had approximately \$59 billion total in their combined statewide budgets for all services and obligations.

The present defense bill deals with \$21 billion of this total expenditure. There was great hope this year that slight inroads would be made. The opportunity was certainly there, and the House of Representatives for the first time in years authorized less than the Senate. But the Senate, too, made significant inroads into the question of vesting control in the Congress over both force levels and over the inordinate number of U.S. defense forces stationed on foreign soil—on lands and islands all over this globe.

Yet in the face of what once seemed to be progress by both bodies, the bill somehow returns to the Senate bloated over the levels approved by both the House and the Senate. Force level provisions so ably worked out by the Senate committee are drastically reduced. Troop reductions abroad voted by an overwhelming margin of the Senate have been eliminated. Of course, Trident's acceleration remained intact—committing over 1 billion of the Nation's resources in this fiscal year.

And the F-15 was approved—for nearly a billion more. And, of course, the B-1 goes on, the carriers go on, the M-16, and all the rest for billions more. The war may be over, but priorities have not shifted to peace; defense expenditures are on the increase instead.

With our troubled times at home, what this bill tells the American people is that there is still greater trouble ahead. Unless an effective measure of control is exercised over the voracious appetite of this defense complex, this Nation is in store for a crisis of enormous proportions. That is why I must cast my vote against it. It is the only way a Senator has to signal his concern over the direction of this Nation and the emphasis that must be brought to bear to make us truly strong and safe.

I yield the remainder of the time of the distinguished Senator from West Virginia to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the distinguished majority leader, and I wholeheartedly support what he has just said. I intend to speak on the same subject. I understand the conference report will be before the Senate for action a little later today.

#### DEFENSE BUDGET ABOUT TO EXPLODE

Mr. President, I might point out that, while not a violation of Senate rules, reporting out a conference report on the military procurement bill that is higher than either the Senate or House versions

circumvents at least the spirit of the legislative process.

The conference report on this bill authorizes a total of \$21.3 billion. This is higher than either the House bill at \$20.4 billion or the Senate bill at \$20.9 billion.

The House had an historic vote on this bill when it was before the House. A new Congressman, in his second term, Les ASPIN, a young man from Wisconsin, introduced an amendment which was unanimously opposed by the leadership on both sides of the aisle, and it carried. It carried by a significant margin, but much of that victory was wiped out by action of the conferees.

According to both Senate and House rules, the conference compromise must be between the high- and low-line items limits of either bill. To quote from Senate Procedure:

In a case where two amounts are involved, they may oscillate between the two extremes, but cannot go below the lower amount nor above the higher amount.

This applies to individual line items and not the full total. Under the strict interpretation of this wording, therefore, it is proper to obtain a total figure in excess of either body.

This is further reinforced by language stating:

Where one House strikes out all after the enacting clause of a bill and inserts a substitute, the conferees have a wide latitude in dealing with the matters in dispute . . .

It is reasonably clear, therefore, that technically this is a proper situation.

Nonetheless, in my opinion, this "wide latitude" should not be abused and the original intent of both Houses should be reflected in the final conference report. And the original intent of both Houses was to have a lower military bill.

In fact, the conference report before the Senate is not a compromise. There is little give or take. It is mostly give. It is the acceptance of all the high levels of military spending and the rejection of almost all attempts to hold that spending in check by either body. It even contains funds not requested by the Pentagon for certain aircraft procurement.

Mr. President, the military budget is about to explode. Not only has the conference committee compromised at a higher level than recommended but two massive supplemental appropriations bills are waiting in the wings.

First, there is the military assistance supplemental of \$2.4 billion, consisting of \$2.2 billion for Israel and \$200 million for Cambodia.

Second, there are strong indications that the President will ask for a special Department of Defense Supplemental to "increase U.S. readiness." While the size of this supplemental has not been made known, it is expected to be several billion dollars.

Coming on top of a defense budget of \$5 billion more than last year and another \$3 billion in savings from the Vietnam war, these new increases will have a significant inflationary impact on an economy that cannot stand many more strains.

We have had a series of hearings be-

fore the Joint Economic Committee on inflation, and there just is no question at all this kind of action by Government is the most inflationary action it can take, because while it is necessary for us to have a strong military force—it should be, in my view, the strongest in the world—every dollar we spend in the military area is inflationary, because it increases demand and it does nothing to increase the supply of goods. Unlike housing or manpower training programs, where goods or services available are increased, the military program simply increases the demand for the economic goods that there are.

Furthermore, 70 percent of the controllable outlays in fiscal year 1974—\$7 out of every \$10 we can control—is in the military budget. That is about \$52 billion.

Seventy percent of the controllable outlays in fiscal year 1974 are in the military budget—about \$52 billion. Only 30 percent of \$23 billion are accounted for by civilian programs. This means that any unanticipated rise in defense spending will either break the President's budget or have to come out of domestic programs. Either would be disastrous.

In addition to the increased military spending, there will be a \$4 to \$7 billion unanticipated increase for interest on the public debt. The combination of these factors—\$5 billion fiscal year 1974 defense budget rise, \$2.4 billion more for military assistance, several billion additional funds for the Pentagon in a supplemental, \$4 to \$7 billion for public debt interest—will be felt throughout a shaky economy in higher prices.

Last Friday we had the good news that unemployment in this country dropped to 4.5 percent, the biggest drop we have had in more than 2 years and the lowest percentage of unemployed we have had in about 3 years. This is good news, for which the administration deserves credit. To a considerable extent, the policies they have had have had much to do with the unemployment decrease. I think it is well for us to be aware of the fact that the unemployment situation has improved. I think all of us are very encouraged by the additional improvement particularly for blacks and other minority groups. I am glad unemployment has dropped sharply for women, who were heavily unemployed. Nevertheless, we should signal caution on our part with reference to any policies that would increase prices.

As I have said, if there is one policy of the Federal Government which has an inflationary effect, it is increasing spending in an area like this, where no economic goods are produced.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

#### MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2410) to amend the Public Health Service Act to provide assistance and

encouragement for the development of comprehensive area emergency medical services systems.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. HUDDLESTON).

#### ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUDDLESTON) laid before the Senate the following letters, which were referred as indicated:

##### PROPOSED PEANUT AND RICE ACT OF 1973

A letter from the Under Secretary of Agriculture transmitting a draft of proposed legislation to establish improved programs for the benefit of producers and consumers of peanuts and rice (with accompanying papers). Referred to the Committee on Agriculture and Forestry.

##### PROPOSED LEGISLATION ENTITLED "EXTRA LONG STAPLE COTTON ACT OF 1973"

A letter from the Under Secretary of Agriculture transmitting a draft of proposed legislation to establish an improved program for the benefit of producers and consumers of extra long staple cotton (with accompanying papers). Referred to the Committee on Agriculture and Forestry.

##### DISPOSAL OF SURPLUS MILITARY SUPPLIES

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and material, and for expenses involving the production of lumber and timber products (with an accompanying report). Referred to the Committee on Appropriations.

##### REPORT ON PROPERTY ACQUISITIONS BY THE CIVIL PREPAREDNESS AGENCY

A letter from the Director of the Defense Civil Preparedness Agency transmitting, pursuant to law, a report on property acquisitions of emergency supplies and equipment for the quarter ending September 30, 1973 (with an accompanying report). Referred to the Committee on Armed Services.

##### NEGOTIATED DEFENSE CONTRACTS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics) transmitting, pursuant to law, listings of new contracts, supplemental awards, and upward and downward amendments in the amount of \$10,000 or more negotiated for experimental, developmental test or research work in the interest of national defense (with accompanying papers). Referred to the Committee on Armed Services.

##### REPORT BY THE DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army transmitting, pursuant to law, a report on the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff (with accompanying papers). Referred to the Committee on Armed Services.

##### FOREIGN DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL

A letter from the Chairman of the United States Atomic Energy Commission transmitting a draft of proposed legislation to delete the requirement that Congress authorize

amounts of special nuclear material which may be distributed to a group of nations (with accompanying papers). Referred to the Joint Committee on Atomic Energy.

##### REPORT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the president and chairman of the Export-Import Bank of the United States reporting, pursuant to law, approved loans, guarantees, and insurance in support of U.S. exports to certain countries. Referred to the Committee on Banking, Housing, and Urban Affairs.

##### REPORT OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the vice president for Public and Government Affairs of the National Railroad Passenger Corporation transmitting, pursuant to law, a report for the month of July 1973 relating to revenue and total expenses (with an accompanying report). Referred to the Committee on Commerce.

##### REPORT BY THE CONSUMER PRODUCT SAFETY COMMISSION RELATING TO PROPOSED LEGISLATION

A letter from the chairman of the Consumer Product Safety Commission transmitting, pursuant to law, its letter of approval of proposed legislation to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes (with an accompanying paper). Referred to the Committee on Commerce.

##### INCREASED PARTICIPATION BY THE UNITED STATES IN THE INTERNATIONAL DEVELOPMENT ASSOCIATION AND THE ASIAN DEVELOPMENT BANK

A letter from the Secretary of the Treasury submitting drafts of proposed legislation to provide for increased participation by the United States in the International Development Association and also to the Special Funds of the Asian Development Bank (with accompanying papers). Referred to the Committee on Foreign Relations.

##### REPORT OF THE DEPARTMENT OF THE INTERIOR

A letter from the Assistant Secretary of the Interior reporting, pursuant to law, on donations received and allocations made from the Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs, during the fiscal year ending June 30, 1972. Referred to the Committee on Interior and Insular Affairs.

##### PROPOSED CONCESSION CONTRACT FOR THE MOSES H. CONE MEMORIAL PARK

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a proposed concession contract at the Moses H. Cone Memorial Park on the Blue Ridge Parkway, N.C. (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

##### PROPOSED CONCESSION CONTRACT FOR TRANSPORTATION AT ALCATRAZ ISLAND

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a proposed concession contract to provide and operate public transportation service between San Francisco and Alcatraz Island (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

##### PROPOSED LEGISLATION REGARDING PATENT AND TRADEMARK CASES

A letter from the Secretary of Commerce transmitting, pursuant to law, a draft of proposed legislation to provide a remedy for postal interruptions in patent and trademark cases (with accompanying papers). Referred to the Committee on the Judiciary.

##### DELEGATION OF CERTAIN FUNCTIONS OF THE COMMISSIONERS ON AGING

A letter from the Secretary of Health, Education, and Welfare setting forth, pur-

suant to law, his plan for the delegation of certain functions of the Commissioner on Aging to officers of the Department of Health, Education, and Welfare not directly responsible to him. Referred to the Committee on Labor and Public Welfare.

##### REPORT OF THE UPPER GREAT LAKES REGIONAL COMMISSION

A letter from the Cochairmen of the Upper Great Lakes Regional Commission transmitting, pursuant to law, the report of the Commission for the period July 1, 1972, to June 30, 1973 (with an accompanying report). Referred to the Committee on Public Works.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 55. A concurrent resolution authorizing the printing of the report of the proceedings of the forty-sixth biennial meeting of the Convention of American Instructors of the Deaf as a Senate document (Rept. No. 93-485).

S. Res. 195. An original resolution authorizing the expenditure of certain existing funds of the Committee on Rules and Administration for an inquiry and investigation relating to the nomination of Gerald R. Ford as Vice President (Rept. No. 93-486).

S. Res. 196. An original resolution to pay a gratuity to Mary H. Brick.

S. Res. 197. An original resolution to pay a gratuity to Raymond H. Miller.

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SYMINGTON, from the Committee on Armed Services:

Eugene E. Berg, of Minnesota, to be an Assistant Secretary of the Army.

The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. SYMINGTON. Mr. President, from the Committee on Armed Services, I report favorably the nomination of Col. Leonard F. Stegman, USA, to be brigadier general in the Chaplain Corps and Maj. Gen. Ernest C. Hardin, Jr., USAF, to be lieutenant general as deputy commander in chief, U.S. Readiness Command. I ask that these names be placed on the Executive Calendar.

In addition, there are 655 promotions in the Navy to the grade of captain and below. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD on October 10, 1973, and October 16, 1973.)



# INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ABOUREZK:

S. 2656. A bill for the relief of Daniel Alberto Ibarra and Marta Susana Bernardi de Ibarra. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2657. A bill to provide scholarships for the dependent children of public safety officers who are the victims of homicide while performing their official duties, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself and Mr. WEICKER):

S. 2658. A bill to direct the National Aeronautics and Space Administration to provide, in cooperation with other Federal agencies, for the early commercial demonstration of the technology of solar heating and for the early development and commercial demonstration of technology for combined solar heating and cooling. Referred to the Committee on Aeronautical and Space Sciences.

By Mr. MATHIAS:

S. 2659. A bill to establish a Conference on the Antitrust Laws. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 2660. A bill for the relief of Monroe A. Lucas. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. HANSEN, Mr. PACKWOOD, Mr. MCGEE, Mr. STAFFORD, Mr. STEVENS, Mr. WILLIAMS, and Mr. YOUNG):

S. 2661. A bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas. Referred to the Committee on Interior and Insular Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS:

S. 2657. A bill to provide scholarships for the dependent children of public safety officers who are the victims of homicide while performing their official duties, and for other purposes. Referred to the Committee on Labor and Public Welfare.

PUBLIC SAFETY OFFICERS' CHILDREN: A CHANCE FOR AN EDUCATION

Mr. MOSS. Mr. President, I am pleased to introduce today a bill which would provide scholarships for the dependent children of public safety officers who are killed in the line of duty. When men and women consider law enforcement careers, they must also contemplate the accompanying dangers that have become very real to our public safety officers.

In this 93d Congress we are now working toward the passage of legislation which would provide a \$50,000 death gratuity for public safety officers; legislation which would provide a bill of rights for the policeman; legislation which would encourage higher education for law enforcement personnel; and legislation providing better pension and group life insurance programs for members of the law enforcement profession.

One of the benefits we should first guarantee these professionals to insure that we are able to attract the best peo-

ple into the law enforcement field is security for their immediate families. Any responsible man or woman will consider the welfare of his or her family and the possibility that the day may come when that family's breadwinner may no longer be able to provide for them. This person must eye the job critically now, for many police families have been left destitute in the wake of the surge of police deaths in the past 5 years.

My bill is quite straightforward. It provides for college scholarships for the children of public safety officers when those officers are killed in the line of duty. The scholarship would pay for tuition, fees, books and room and board, or \$3,500, whichever is less. The scholarship would cover 4 years, unless the student is in a program that requires 5 years. In no case is the scholarship to run for more than 5 years.

The streets of our cities and towns have become hostile places now, particularly after dark. A policeman answering a disturbance call today is much more likely to be walking into a planned ambush than ever before. Today's criminals are more brazen and less conscious of the penalties as they shoot it out with policemen. Of course, policemen will continue to climb the dim flights of steps, knocking on third-story doors, listening to the screaming and wailing of incessant fights, yet wondering whether guns or knives or merely hateful invective is being prepared for their arrival. Firemen will continue to rush into burning tenements to save frightened children, despite the personal peril they, too, face in the situation. Prison guards will continue to work for low wages, trying to maintain the semblance of discipline in our prisons which literally seethe with hatred and rage, knowing that they could easily become the hostage in the next critical prison uprising. It is a special kind of person who will still choose as his occupation to defend our body of laws, despite these obvious concerns that he must face daily.

In 1965, the Congress showed great foresight in voting passage of the Law Enforcement Assistance Act, which I was pleased to introduce for the Johnson administration. The 1965 legislation was the forerunner of the Omnibus Crime Control and Safe Streets Act of 1968, which created LEAA, and was indeed the first national expression of concern for the adequacy of local police agencies. Through its grant programs, LEAA provides funds for internal police department reform, improvement of police operations technique, and upgrading of police personnel, as well as for court and prison reform. I take pride in having sponsored the pioneer legislation in this field.

Unfortunately, we live in an age of violence. From the years 1967-1972, crimes of violence jumped 67 percent. This is a serious reflection of our national life. During the same period of time arrests of juveniles for violent crimes doubled. Violent crime continues to increase throughout our Nation in all areas—urban, suburban, and rural—even though recent FBI crime statistics showed overall crime down 3 percent.

While firemen and prison guards are also real victims, I shall discuss statistics pertaining to the police since they are available.

It is not surprising that police face this violent mood. Society, with all its shooting, stabbing, gouging, skyjacking, assassination, terror, rape, murder, and assault, has become a pressure cooker for some people. The friendly cop on the beat has sometimes changed into a faceless occupant of a police car and has become a highly visible symbol of the establishment. He has become a tangible target for grievances against shortcomings throughout the criminal justice system; against assembly-line justice in the overcrowded lower courts; against wide disparities in sentences; against antiquated correction facilities; and against the basic inequities imposed by the criminal justice system on the poor.

And, for these reasons among others, 488 policemen lost their lives in the years from 1968-72.

Yet, the strength of our American institutions rests in part on respect for the law and the officers of the law.

The President's Commission on Law Enforcement and Administration of Justice reported in 1967 that two thirds of the police agencies in large- and medium-size cities were understaffed by as much as 10 percent. This problem has become more acute in the ensuing years, as noted by the report of the National Advisory Commission on Criminal Justice Standards and Goals released earlier this year. This report states that it is imperative that the police service engage in forceful, active recruiting. Both reports stress what the candidate must bring to the job. The Bureau of Labor Statistics has cited that an estimated 15,000 opportunities will occur each year for qualified candidates to enter police work through the 1970's. It should be noted that this projection is not based on need but on maintenance of the present police-population ratio.

With this realization of our need for able public safety officers, I am amazed when I scan the literature in the field. It continues to stress selection standards needs such as education, physical ability, character, emotional stability, intelligence—and while I, too, would like to attract such men to become our public safety officers, I continue to wonder why we have not given greater thought to increasing the desirability of the job by bringing the salary up to a competitive level, enhancing pension benefits, improving the working conditions of the many cramped and badly maintained quarters of our police stations throughout the country, and providing better uniform allowances, et cetera. I was hard-put to find any discussions of what our society intends to do when this dedicated public servant dies, leaving a young family behind with mortgage payments, bills, educational expenses, and grief at a shattered dream.

S. 15, providing a \$50,000 death gratuity to the survivors of public safety officers who die in the line of duty has already passed the Senate and has received hearings in the House during this 93d Congress. In addition, I feel that we

should look to the future of the law enforcement family which has lost its breadwinner. Let us help this man or woman provide the opportunity for his or her children to become educated, perpetuating the finest hopes a parent could have wished for the child.

There were 112 policemen killed in the line of duty in 1972, and I am relieved that no law enforcement officer from the State of Utah was included in that statistic. However, we should remember the words of the English poet: "No man is an island." I believe it is wise to establish a Federal standard when we consider benefits. Our obligation is great in these turbulent times. We need to express our gratitude to the public safety officer more visibly.

An organization in Chicago, the Hundred Club of Cook County, has provided a wonderful service to families of slain law enforcement personnel in that area since 1966. This is an organization of some 500 men who make sure that, whenever a policeman or fireman meets death, his widow will, first, have a substantial sum for immediate needs, and second, be quickly relieved of what for her alone could be the impossible burden of a mortgage on her home and other debts. I salute this organization in Chicago, and the few others like it who have organized to meet such a need. However, several States offer virtually no financial assistance through private or public sources.

Chicago Detective Gerry Gigante, of the fourth police district, has been quoted as telling what this kind of concern can mean to a man:

There's a feeling of security, knowing that, if anything happens to me, there's going to be such help for my wife, not to make her rich or anything but to give her a way to live.

He relates, and thoughtfully:

There's more to it than that, more than the money. What I mean is, there's a good feeling knowing you have people on your side, because these are tough times for policemen, not only here but all over the country. It's not easy being a police officer these days.

I believe that this bill which would provide scholarships to the children of public safety officers who are killed in the line of duty, is another way of providing peace of mind to the man who must live on the frontlines of our epidemic violence.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2657

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Safety Officers Memorial Scholarship Act".*

#### DEFINITIONS

SEC. 2. As used in this Act the term—

(1) "academic year" means an academic year or its equivalent as defined in regulations of the Commissioner;

(2) "Commissioner" means the United States Commissioner of Education;

(3) "dependent child" means a child who is either living with or receiving regular support contributions from the public safety

officer at the time of his death, including a stepchild, an adopted child or posthumous child;

(4) "eligible applicant" means a dependent child of a public safety officer who has been accepted for enrollment at or is enrolled in an eligible institution;

(5) "eligible institution" means any such institution as defined under section 435(a) of the Higher Education Act of 1965.

(6) "public safety officer" means a person serving a public agency, with or without compensation, as—

"(A) a law enforcement officer, including a corrections or a court officer, engaged in—

"(1) the apprehension or attempted apprehension of any person—

"(a) for the commission of a criminal act, or

"(b) who at the time was sought as a material witness in a criminal proceeding; or

"(1) protecting or guarding a person held for the commission of a criminal act or held as a material witness in connection with a criminal act; or

"(iii) the lawful prevention of, or lawful attempt to prevent the commission, of a criminal act or an apparent criminal act or in the performance of his official duty; or

"(B) a firefighter; and"

(7) the term "State" means any State of the United States, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs law enforcement functions.

#### SCHOLARSHIPS AUTHORIZED

SEC. 3. (a) The Commissioner is authorized to award a scholarship to any eligible applicant for full time undergraduate study at an eligible institution. Each applicant shall submit an application accompanied by a certification from the head of the agency which employed the public safety officer upon whom the applicant was dependent, stating that such officer was the victim of a homicide while engaged in the performance of his official duties.

(b) The maximum amount of the scholarship award payable under this section shall not exceed the cost to such applicant at the appropriate eligible institution for tuition, fees, books and room and board, or \$3,500, whichever is less, for each academic year for which the scholarship is awarded, as determined by the Commissioner.

(c) The duration of a scholarship award under this act shall be the period required for the completion by the recipient of the award of his undergraduate course of study, or other appropriate course of study at an eligible institution. That period shall not exceed four academic years except where the Commissioner determines that the student is enrolled in a degree program which normally requires more than four academic years for a baccalaureate degree, in which event such period shall not exceed five years.

(d) (1) The Commissioner shall notify both the eligible applicant and the eligible institution in which the applicant is enrolled or has been accepted for enrollment of the award of a scholarship under this Act.

(2) A separate determination shall, on the basis of the latest available information, be made as to the eligibility of a student and the amount of the award to be made under this Act, for each academic year of its duration.

(3) The Commissioner shall, in accordance with agreements pursuant to section 5, utilize the services and facilities of eligible institutions as fiscal agents for paying to students attending such institutions the amounts, if any, to which such students have been de-

termined, with respect to each academic year, to be entitled under this Act.

#### ADDITIONAL AWARD REQUIREMENTS

SEC. 4. (a) No payment shall be made to an eligible applicant under this Act unless an application therefor is made by such applicant containing such information as the Commissioner may reasonably require together with the clarification required under section 3 (a) of this Act.

(b) A student awarded a scholarship grant under this Act shall continue to be entitled to that grant only if such student (1) is maintaining good standing in the course of study which he is pursuing according to the regularly prescribed standards and practices of the eligible institution which he is attending and (2) devotes himself full time to such course of study during the academic year in attendance at an eligible institution, except that failure to be at an eligible institution during periods of vacation, military service and such other periods as the Commissioner determines are good cause for non-attendance, shall not be considered contrary to the requirements of this clause.

#### AGREEMENTS WITH ELIGIBLE INSTITUTIONS

SEC. 5. (a) For the purpose of this Act, the Commissioner is authorized to enter into agreements with eligible institutions in which any student receiving a scholarship award under this Act has enrolled or is accepted for enrollment. Each such agreement shall—

(1) provide that an eligible institution will cooperate with the Commissioner in carrying out the provisions of this Act;

(2) provide that the institution will periodically conduct a review to determine whether students enrolled and receiving a scholarship award under this Act continue to be entitled to payments under such grants and the amounts of such payments;

(3) provide for the authorization of such institution as a Federal agent for payments to students under this Act;

(4) provide for such Federal control and accounting procedures as may be necessary to assure proper disbursement of and accounting of funds paid under this Act;

(5) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this Act.

(b) The Commissioner is authorized to pay a cost of agreement allowance to any eligible institution in which a student receiving a scholarship award was enrolled during an academic year ending during any fiscal year after June 30, 1973. With respect to each such student, such allowance shall be an amount equal to \$ . The Commissioner shall prescribe regulations to insure that a student who received payments pursuant to a scholarship grant during an academic year in more than one institution is not counted more than once for the purpose of computing the cost of academic allowance to which each such institution is entitled under this section.

#### APPROPRIATIONS AUTHORIZED

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. MOSS (for himself and Mr. WEICKER):

S. 2658. A bill to direct the National Aeronautics and Space Administration to provide, in cooperation with other Federal agencies, for the early commercial demonstration of the technology of solar heating and for the early development and commercial demonstration of technology for combined solar heating and cooling. Referred to the Committee on Aeronautical and Space Sciences.



SOLAR HEATING AND COOLING DEMONSTRATION  
ACT OF 1973

Mr. MOSS. Mr. President, today in an effort to resolve long-term problems of the great energy crisis, I am introducing legislation to accelerate the use of solar energy. I say "long term" because the severe problems we face in the next few months may well pale to insignificance from the perspective of a few years hence.

This crisis has precipitated a plethora of words and sophistries but precious little action. It is imperative that we act swiftly for the energy crisis is upon us. As far back as last March, David Freeman, one-time energy advisor to Presidents Johnson and Nixon, stated that the joy ride is over. He noted that the richest nation in the world is becoming energy poor because, among other things, it has burned most of the oil and natural gas that have been easy to find in America. Experts claimed the situation is going to get worse in the next 10 to 15 years and they warned of fuel rationing. Their predictions actually proved to be optimistic. Fuel usage has already been limited and allocated, and just this past week the administration has proposed a bill which would ration, and, in some cases, prohibit energy consumption.

The long-term picture is much bleaker. In October, the National Journal Report noted that a worldwide scramble for oil is underway.

Elm City Filling Station of New Haven, Conn., has bought 200,000 barrels of residual fuel oil from the Soviet Union. Tenneco and Union Carbide are also importing and purchasing oil products from the Soviet Union. A report prepared for the White House Office of Energy Policy shows that imports of oil will have to increase a record 64 percent this winter alone. A severe winter will compound this and there is no assurance that enough foreign fuels will be available. The Mid-East, one of America's major foreign suppliers of oil, is in a state of turmoil. Yet, experts predict that within 12 years America will be dependent upon this area for 50 percent of its oil needs. In addition, obtaining Mid-East oil may cost more than money. Arab Governments have stated openly that access to their oil depends on U.S. policy toward Israel. And, in the face of this dilemma, Americans in some places already cannot buy gas on Sunday or find natural gas to run their factories.

Thus, there is a pressing need for a secure, accessible, and vast source of energy. Solar energy meets all of these requirements. First, it is secure from the threat of foreign interference and obfuscation. Second, recent technological advances have made it readily accessible. Finally, the source of energy is as vast as the power which maintains life itself on this planet. The applicability of solar power as a solution to America's energy needs is readily evident. Unfortunately, current funding for research into solar energy amounts to only three-tenths of 1 percent of our total research and development funds. Considering the momentous nature of the problem, this low figure certainly cannot be justified. A more realistic figure must be achieved to

demonstrate that solar energy is a viable alternative energy source.

It is for this reason that I am urging the early commercial demonstration of solar heating and cooling. The technologies of solar heating are already close to the point of commercial application. Under proper supervision, a demonstration of solar heating could be achieved in 3 years, and a demonstration of combined heating and cooling could be achieved in 5 years. The National Aeronautics and Space Administration, with its excellent record of achievements in space and solar-related endeavors, is the most logical Government entity to take the lead.

For the benefit of those of my colleagues who may not be fully apprised of NASA's present capabilities in the field of solar heating and cooling, a few examples might be in order.

Of course, NASA and its industrial contractors have been engaged for years in the basic technologies involved, including heat transfer, thermal balance, thermal protective coating, and others.

Two NASA research centers are currently working on a commercial-type building that will have its environmental system of heating and air conditioning partially operated by a solar energy system. Construction of the building, at the Langley Research Center, was authorized for fiscal year 1974. Construction will start in 2 months.

The major objective of this project is to establish a facility to do research in solar energy in areas where NASA has extensive experience, such as thermal design, thermal coating technology, heating, ventilating, air conditioning, system design, controls, and instrumentation.

The 50,000-square-foot, one-story office building will be the first known building in the world of its size for which solar energy will provide a significant part of the building's heating and cooling load. It will provide working space for 350 engineering personnel.

A solar collector system of 48,000 square feet would collect all the energy required to supply the heating and cooling needs for the Langley Building. In view of the economics involved, capital outlays, and present state of the art, a 15,000-square-foot collector is planned. This size collector will provide most of the heating requirements, some of the cooling requirements, and excess storage capacity, thereby obtaining feasibility data of all aspects of the system. Capability has been maintained to expand the collector system to supply all the energy requirements for the building.

The 15,000-square-foot solar system will provide a fuel savings of 10,500 gallons per year. A 100-percent collector would provide a total fuel savings of 35,000 gallons per year for the Langley Building.

A third NASA center, the Marshall Space Flight Center in Alabama, is actively at work on residential heating and cooling using solar thermal energy. The first phase of this work was completed a year ago. The second phase, which will be in full swing by next summer, relies on a recent breakthrough in thermal control coatings. The new coating is economical to apply and allows operation of

the solar collector at a higher temperature than previously had been possible. As with all solar heating and cooling systems, this residential system requires an auxiliary energy source for use in extended periods of heavy cloudiness. But it is significant to note the Marshall system is expected to save better than 80 percent of the normal energy requirements of a private home.

I am introducing legislation which utilizes these facilities and NASA's great reservoir of expertise in the field of solar energy. The bill provides for 2,000 mass produced solar heating units and 2,000 mass produced heating and cooling units at an estimated cost of \$50 million over a 5-year period. This figure is still less than 1 percent of projected Federal research and development funds.

In conducting this program, NASA will work in conjunction with the Secretary of Commerce to establish performance criteria for solar heating equipment and dwelling units. Differences in climate and geography will be taken into account in order to obtain the most accurate performance data. Shortly after publication of this criteria, and on the basis of open competition, an appropriate number of design for dwellings will be determined. Thereupon, NASA shall be empowered to enter into contracts for the development and production of solar heating and cooling systems.

A number of other Federal agencies would participate directly in this program. The National Science Foundation will have the responsibility of continuing and increasing its support of basic and applied research related to solar heating and cooling.

The National Bureau of Standards will set the performance criteria for solar heating and cooling equipment as well as building designs, and will monitor and evaluate the continuing program.

The Department of Housing and Urban Development will have the role of coordinating the demonstration program and its building activities and providing reports and information to Congress and the public.

The Department of Defense has the logical responsibility of providing buildings for installation of half of the mass-produced heating and cooling units.

Mr. President, I have repeatedly advocated research and development efforts to expedite the use of solar energy. My Committee on Aeronautical and Space Sciences has recently held fruitful hearings toward this end, and the time is ripe for appropriate legislation. Senator WEICKER is cosponsoring this bill, and I trust other Senators will see fit to do so.

Congressman McCORMACK has introduced a similar bill in the House as H.R. 10952. I am hopeful that both Houses of Congress will join together to resolve this critical problem. The time for inaction is past.

Mr. President, at this point I ask unanimous consent to have included in the RECORD the text of the bill, the Solar Heating and Cooling Demonstration Act of 1973.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Heating and Cooling Demonstration Act of 1973".

## FINDINGS AND POLICY

SEC. 2. (a) The Congress hereby finds that—

(1) the current imbalance between supply and demand for fuels and energy is likely to persist for some time;

(2) the early demonstration of the feasibility of using solar energy for the heating and cooling of buildings could help to relieve the demand upon present fuel and energy supplies;

(3) the technologies for solar heating are close to the point of commercial application in the United States;

(4) the technologies for combined solar heating and cooling still require research, development, testing, and demonstration, but no insoluble technical problem is now foreseen in achieving commercial use of such technologies;

(5) the early development and export of viable solar heating equipment and combined solar heating and cooling equipment, consistent with the established preeminence of the United States in the field of high technology products, can make a valuable contribution to our balance of trade; and

(6) commercial application of solar heating and combined solar heating and cooling technologies can be expedited by early commercial demonstration under practical conditions.

(b) It is therefore declared to be the policy of the United States and the purpose of this Act to provide for the demonstration within a three-year period of the practical use of solar heating technology, using current technology for this purpose, and to provide for the development and demonstration within a five-year period of the practical use of combined heating and cooling technology.

## DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "solar heating", with respect to any building, means the use of solar energy to meet such portion of the total heating needs of such building (including hot water) as may be required under performance criteria prescribed by the Secretary of Commerce acting through the National Bureau of Standards;

(2) the terms "solar heating and cooling" and "combined solar heating and cooling", with respect to any building, mean the use of solar energy to provide both such portion of the total heating needs of such building (including hot water) and such portion of the total cooling needs of such building, as may be required under performance criteria so prescribed, and include cooling by means of nocturnal heat radiation or by other methods of meeting peakload energy requirements at nonpeakload times;

(3) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(4) the term "residential dwellings" includes mobile homes.

## CONDUCT OF ACTIVITIES IN SOLAR HEATING AND COOLING TECHNOLOGIES BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 4. Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended by redesignating subsection (b) as subsection (c), and by inserting immediately after subsection (a) the following new subsection:

"(b) The Administration shall initiate, support, and carry out basic and applied research, development, demonstrations, and other related activities in solar heating and cooling technologies, including (to the extent that funds are appropriated therefor) activities as provided for in sections 5, 6, and

7 of the Solar Heating and Cooling Demonstration Act of 1973."

## DEVELOPMENT OF SOLAR HEATING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 5. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of solar heating systems for use in residential dwellings.

(b) (1) Within eighty days after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator, shall determine, prescribe, and publish—

(A) performance criteria for solar heating equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating) for such dwellings themselves, taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types of residential dwellings suitable for and adapted to the installation of solar heating systems meeting the performance criteria prescribed under paragraph (1)(A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate solar heating.

(c) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958, shall—

(1) (A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of solar heating systems meeting the performance criteria prescribed under subsection (b) (1) (A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b) (1) (B);

(2) enter into contracts with at least two different persons or firms for the actual manufacture and production of solar heating systems as developed under contracts described in paragraph (1)(A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating systems involved, and of the dwellings themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of such paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under that subparagraph.

(d) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

## DEVELOPMENT OF COMBINED SOLAR HEATING AND COOLING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 6. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of combined solar heating and cooling systems for use in residential dwellings.

(b) (1) As soon as possible after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator, shall determine, prescribe, and publish—

(A) performance criteria for combined solar heating and cooling equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suit-



bility for solar heating and cooling) for such dwellings themselves, taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1) (and if possible before the completion of the research and development provided for in subsection (c)), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types of residential dwellings suitable for and adapted to the installation of combined solar heating and cooling systems meeting the performance criteria prescribed under paragraph (1) (A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate combined solar heating and cooling.

(c) During the period immediately following the publication of performance criteria under subsection (b) (1), the Administrator shall undertake and conduct with respect to solar heating and cooling a program of research, development, testing, and demonstration designed to provide the additional technological resources necessary for the development and commercial application of combined solar heating and cooling systems as contemplated by the program under this section.

(d) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958 and at the earliest possible time during or immediately after the period specified in subsection (c), shall—

(1) (A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of combined solar heating and cooling systems meeting the performance criteria prescribed under subsection (b) (1) (A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria or to reflect the results of the activities conducted under subsection (c)); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating and cooling systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b) (1) (B);

(2) enter into contracts with at least two different persons or firms for the actual manufacture and production of combined solar heating and cooling systems as developed under contracts described in paragraph (1) (A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured

on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating and cooling systems involved, and of the dwellings themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating and cooling systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of this paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under such subparagraph.

(e) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating and cooling systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

#### DEVELOPMENT OF SOLAR HEATING AND COOLING SYSTEMS FOR COMMERCIAL BUILDINGS

SEC. 7. The Administrator, concurrently with the conduct of the programs under section 5 and 6, shall carry out such projects and activities (including demonstration projects) with respect to apartment buildings, office buildings, factories, agricultural structures (including crop-drying facilities), and other commercial or industrial buildings, taking into account the special needs of and individual differences in such buildings based upon size, function, and other relevant factors, as may be appropriate for the development and demonstration of combined

solar heating and cooling systems suitable and effective for use in such buildings.

#### FUNDING OF SOLAR ENERGY RESEARCH BY NATIONAL SCIENCE FOUNDATION

SEC. 8. (a) Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(c) The Director shall initiate and support basic and applied research relating to solar energy development, as provided in section 8(b) of the Solar Heating and Cooling Demonstration Act of 1973."

(b) The Director of the National Science Foundation is authorized and directed to initiate, support, and fund basic and applied research activities related to solar energy in support of the objectives of this Act. These research activities shall, insofar as practicable, support the new solar heating and cooling technologies demonstrated or to be demonstrated by the National Aeronautics and Space Administration pursuant to sections 4 through 7 of this Act. For this purpose the Director of the National Science Foundation is authorized to utilize funds appropriated to the Foundation pursuant to law or transferred to it from the National Aeronautics and Space Administration or other Federal agencies.

#### DISSEMINATION OF INFORMATION AND OTHER ACTIONS TO PROMOTE PRACTICAL USE OF SOLAR HEATING AND COOLING TECHNOLOGIES

SEC. 9. (a) The Secretary of Housing and Urban Development shall take all possible steps to assure that full and complete information with respect to the demonstrations and other activities conducted under this Act is made available to Federal, State, and local authorities, the building industry and related segments of the economy, and the public at large, both during and after the close of the programs under this Act, with the objective of promoting and facilitating to the maximum extent feasible the early and widespread practical use of solar energy for the heating and cooling of buildings throughout the United States. In accordance with regulations prescribed under section 11, such information shall be disseminated on a coordinated basis by the Secretary, the Administrator, the National Bureau of Standards, the National Science Foundation, the Patent Office, and other appropriate Federal officers and agencies.

(b) In addition, the Secretary of Housing and Urban Development shall—

(1) study and investigate the effect of existing building codes, zoning ordinances, and other laws, codes, ordinances, and practices upon the practical use of solar energy for the heating and cooling of buildings; and

(2) determine the extent to which such laws, codes, ordinances, and practices should be changed to permit or facilitate such use, and the methods by which any such changes may best be brought about.

(c) Each Federal officer and agency having functions under this Act shall include in his or its annual report to the President and the Congress a full and complete description of his or its activities (current and projected) under this Act, along with his or its recommendations for legislative, administrative, or other action to improve the programs under this Act or to achieve the objectives of this act more promptly and effectively. In addition, the Secretary of Housing and Urban Development shall submit annually to the President and the Congress a special report summarizing in appropriate detail all of the activities (current and projected) of the various Federal officers and agencies having functions under this Act, with the objective of presenting a comprehensive overall view of such programs.

## ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

SEC. 10. In carrying out their functions under this Act, all Federal officers and agencies shall take steps to assure that small business concerns will have a realistic and adequate opportunity to participate in the programs under this Act to the maximum extent possible.

## REGULATIONS

SEC. 11. The Administrator, in consultation with the Secretary of Commerce, the National Science Foundation, the Secretary of Housing and Urban Development, the Secretary of Defense, and other appropriate officers and agencies, shall prescribe such regulations as may be necessary or appropriate to carry out this Act. Each such officer or agency, in consultation with the Administrator, may prescribe such regulations as may be necessary or appropriate to carry out his or its particular functions under this Act.

## AUTHORIZATION OF APPROPRIATIONS

SEC. 12. There are authorized to be appropriated to the Administrator, for the first five fiscal years beginning after the date of the enactment of this Act, such sums, not exceeding \$50,000,000 in the aggregate, as may be necessary to enable him (1) to carry out the functions vested in him or in the National Aeronautics and Space Administration by this Act, and (2) to reimburse the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and the Secretary of Defense for expenses incurred by them (during the respective periods of the program under section 4 and the programs under sections 5 and 6) in carrying out the functions vested in them under this Act.

By Mr. MATHIAS:

S. 2659. A bill to establish a Conference on the Antitrust Laws. Referred to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, recent disclosures in connection with the ITT antitrust settlement have again shaken public confidence in our legal system. At a time when public confidence in our institutions is, according to polls, at an all-time low, the recent disclosures concerning the ITT case are a further blow to the already beleaguered Department of Justice.

Great uncertainty surrounds the ITT settlement. This is true despite the fact that many antitrust lawyers believe that the settlement revealed was, in fact, a good one for the Government in view of the novelty of the action undertaken by the Justice Department. Whatever the merits of the ITT settlement, recent and earlier allegations concerning the improper use of influence in that case have cast doubt on the method by which it was reached. The appearance of propriety, which is so essential to public confidence, has been clouded.

The Congress should move expeditiously to ascertain all of the facts in connection with the ITT settlement. It should also move quickly to help restore confidence in the Justice Department. Opportunities to do so now exist as questions of how it can insure the continued prosecution of Watergate offenses are examined and a new Attorney General and Deputy Attorney General are presented to it for confirmation.

I believe also that we should move now to take care to examine and, where appropriate, strengthen those very laws

that underlie the ITT controversy, the entire body of statute and precedent that constitute the antitrust laws of the United States. These laws are entrusted to the Antitrust Division of the Justice Department, the FTC, and the courts. It has been remarked that: "The antitrust laws are what the Antitrust Division says they are." It is true that a remarkable power now resides in that Division, a result of the Supreme Court's understandable reluctance to question the expertise of the Division and the FTC and of the failure of the Congress to comprehensively address the application of statutes which have existed for over half a century.

But as the case of Telex against IBM indicates, the frontiers of the antitrust field are again being staked out by private parties—without any meaningful involvement of the Congress or the Justice Department—with implications that are difficult to foresee.

Mr. President, I am today introducing a bill which would establish a conference on the antitrust laws.

Work of the conference would be directed by a council composed of 12 members, 6 from various branches of the Government and 6 from private life. General membership of the conference would include, in addition to members of the council, at least 61 additional members whose knowledge and experience would qualify them to assist the conference in a thorough and objective analysis and evaluation of our existing antitrust statutes and their enforcement. These statutes, passed by the Congress in 1890, 1914, 1936, and 1950, are said by some to contain inconsistencies. There are also those who argue that the conditions of our basic economy and of the world economy in which U.S. businesses must compete have so changed that some of these laws are now out of date. It is also suggested that these laws, because of inherent weaknesses and alleged lack of vigorous enforcement, have failed to prevent increasing concentration of control of U.S. industry and have permitted the development of conditions in a number of so-called "oligopoly" industries in which competition does not now adequately serve the interests of the consumers, taxpayers, businessmen, or of the Nation as a whole. And it is suggested that they work different results depending upon the form of business to which they are applied. Our system is further being tested in competition with other economic systems with different approaches to control of monopoly. These are matters of great controversy among economists, politicians and lawyers inside and outside the Government. It is also true that, whether justified or not, much of the reporting in the press of principal antitrust cases in recent years has been such as not to inspire confidence in the public that the welfare of the Nation is truly being served.

In the last few years, we have vacillated between widely varying degrees of control of prices and wages under the apparent delusion that freely competitive prices and wages are not acceptable to the American people. This erosion of

the basic assumptions behind our antitrust laws has gone largely undiscussed, although there has been much attention-calling to the inconsistency between the antitrust laws and most of our Federal regulation of transportation and other public utilities.

Mr. President, in introducing this bill calling for a conference on the antitrust laws, I submit that it is high time that we create the mechanism for a thorough thoughtful review by an expert but sufficiently broadbased body as to give to the Congress some real help in evaluating the adequacy of our present statutes and their administration.

It should be noted that my bill, while it differs in some respects from S. 1196, introduced on March 14, 1973, by Mr. JAVITS for himself and Messrs. HRUSKA, MCGEE, and TOWER, has a similar objective—the creation of an expert body to study and report to the Congress on the antitrust laws. While I might differ from Senator JAVITS and the others on the proper measures that study may show need to be taken, we do share the view that serious study is called for at this time, and there is little basic difference between his bill and mine. However, believing as I do in the need for great diversity of viewpoint in any study of these controversial matters, I would propose a conference of substantially larger numbers than that called for by S. 1196.

Mr. President, the issues which confront us this morning regarding the ITT settlement and its message for us all were first clearly spelled out during the hearings of the Senate Judiciary Committee in the spring of 1972, at the time of the confirmation of Mr. Richard Kleindienst as Attorney General. I therefore ask unanimous consent that the views I stated at the conclusion of those hearings be printed in the RECORD at this point, as they further reflect my judgment on the urgency and importance of action by the Congress in this field.

There being no objection, the views were ordered to be printed in the RECORD, as follows:

## INDIVIDUAL VIEWS OF MR. MATHIAS

The hearings on the fitness of Richard Kleindienst to be the Attorney General have been diverted by events so far from their original purpose that a simple statement of position on that question is not an adequate response to the avalanche of evidence that has threatened to immobilize the Judiciary Committee. The sudden and unexpected appearance of this evidence has, however, been healthy and useful, and I am glad to have been instrumental in the extension of the hearings and the invitation of necessary witnesses.

What use the Congress makes of the information developed will be a test of our sensitivity and our response. These hearings, though indirectly, have given the Congress knowledge not only about Richard Kleindienst, but also about the activities of giant corporations, the competency of our branches of government and the omissions of Congress. We must take advantage of all this information if these hearings are to be fully utilized. In this regard, this should be just the first Congressional inquiry into America's corporate community. The Judiciary Committee must continue its investigation.

We are called upon to make several judgments because we are involuntarily confronted with several issues.



The first verdict must be "guilty." The Congress is clearly guilty of neglect in overseeing and updating the anti-trust laws. Our 19th Century statutes are so unrelated to 20th Century realities that Congress has literally handed over its legislative and overseer responsibility to administrative and judicial officers with only the broadest of guidelines. In some respects the current state of the law is unfair to business management, and in others, it is inadequate to protect the public. In either phase, it is so vague that the unseemly pulling and hauling attempted by ITT to influence the result seemed to corporate officers not only justifiable, but even proper. No judge or lawyer in the United States today can say without fear of contradiction that the law covers conglomerates in spite of the ITT settlement. Only the Congress can say, and the Congress has been silent.

When a corporation has become so large that it can create a ripple effect in the American economy, that it might induce a stock market slump or that it could affect our international balance of payments, it is clearly time for Congress to review national policy in this area. And yet these are the conditions that responsible officials saw as possible, and the apprehension of which was the alleged basis for abandoning litigation and accepting a compromise of anti-trust cases. The Congress can no longer leave it to chance whether these officials were right or wrong. Business, government and the public all have too much at stake for so casual an attitude.

The Congress has also some responsibility to direct whether a hardship settlement is properly available in a case where a warning was issued by the Anti-Trust Division prior to the merger, or where the risk of hardship is primarily upon investors or stockholders and not upon the public generally. Events have now dictated what our own sense of responsibility should have already undertaken. I shall renew my efforts to get action on pending legislation for review and reform of anti-trust laws.

A second verdict of guilty must be rendered against ITT for, at the very least, being willing to stoop to conquer. While it is impossible to probe the corporate motive for every act, it does not seem unfair to assume that fear rather than remorse triggered the shredding of company records and that such destruction of evidence is a serious step going far beyond "taking the fifth." The massive corporate assault on government was launched and pursued at every political and official level.

It does not require any confirmation by Dita Beard to explain to me the relationship between a \$400,000 commitment to a political party whose incumbent president is likely to be re-elected and a corporate giant which must deal with some level of government every day. It was like a wind-storm insurance premium since it sustained the general level of protection even if it were not immediately offset by reimbursement for storm damage.

The White House itself has been embarrassed by being designated as one of the targets of this drive, although there is no clear proof that the target was reached in any meaningful way: Even the most desperate corporate official should have realized that the transcontinental activities stretching from Washington to San Diego could not escape notice. While some part of this barrage was the proper exercise of the citizen's right to petition government and to demand justice, the sheer mass of this effort would alone make it excessive. This effort did not gain the optimum result, but it may have enabled ITT to avoid the worst.

The final settlement was apparently ITT's choice of evils. When that has been said, it must be added that the settlement was substantial, significant and reasonable in the light of the risks of litigation to all litigants.

It has been supported by objective and independent legal experts. It is regrettable, however, that although it may be the best such settlement ever made, it will always be suspect because of the circumstances that surrounded its conception.

In the interaction of public and private agents and agencies, several omissions in our administrative practices have been noticed. One is the desirability of giving departmental tax rulings in live controversies involving substantial amounts the same publicity as a compromise of a tax case filed in court. In both, the public is entitled to notice. I shall introduce legislation, if necessary, to attain this end.

Secondly, we should attempt to provide for the Anti-Trust Division the kind of insulation from external influences that we have been able to give to courts. Although the Supreme Court may read election returns, we can rejoice in the overwhelming likelihood that attempts to reach judges through political channels would be rebuffed and rewarded by adverse reaction. While the Anti-Trust Division is neither judicial nor quasi-judicial, I think it may need special protection.

Since we have committed administration of Anti-Trust laws to the Anti-Trust Division we could at least assure that it be forewarned, if not forearmed. When anti-trust cases are in litigation, it would not seem unreasonable restrictive to require that contacts between the litigants and other government officials and agencies should be recorded by the litigants at the Anti-Trust Division.

Every citizen, no matter what the nature of his interest or grievance, has a constitutional right to petition his government. Such a right would not be abridged by requiring disclosure of pertinent conversations, but furtive appeals and unworthy demands might be discouraged.

All governmental officers in all departments in all administrations are susceptible to attempts to exert improper external influence, and so we should perhaps consider extending this requirement to quasi-judicial agencies.

The enigma of Mrs. Dita Beard is suspended over the whole scene, poisoning the air but not clearly discernible to the unaided eye. The role Mrs. Beard played can only be surmised from the fragmentary evidence available. Whatever it may have been, it was carried on with bravado and bluff amidst internecine corporate warfare. On the basis of the circumstantial evidence I am forced to conclude that she wrote the famous memorandum, but it is more difficult to conclude why she did so or whether she herself believed what she had written. But in a large measure such questions have been leap-frogged by other testimony and the whole matter no longer hangs upon the answers to them.

Some individual folly and carelessness has, of course, been disclosed. I am, for example, unsatisfied that the secretarial staff at the Justice Department could not have located Mr. Ramsden without White House help. I am disappointed that Mr. McLaren leaned so heavily for support in his testimony on points alleged to be in the Ramsden report, but which cannot be found there nor which its author ever discussed with Mr. McLaren or anyone else in the Justice Department. Mr. Flanagan could have offset these errors if he had simply given Mr. McLaren the address where he could find Mr. Ramsden and then left him to his own devices. Instead, he compounded the error by involving himself personally, as he candidly regretted in his testimony before the Committee. Mr. Kleindienst cannot escape all criticism when he denied participation in functions in which he was required by statute to participate, and when the effect of that participation could have been significant.

Measuring the damage created by these various errors and fixing the blame are tasks complicated by the number of participants

and the scope of the action. On the surface, the basic public interest seems to have been protected by the ITT settlement, and any lost opportunities for more comprehensive action can hardly be assessed. Our sights therefore shift to the process by which the settlement was achieved. It seems fundamental to inquire how far private interests inimical to the public welfare penetrated the official process of decision. It is in this area that so many must bear the burden of suspicion for acts that may have been thoughtless or careless, but which appear as questionable to the public as if they had a corrupt or malicious motive. No greater illustration can be given that rules of ethics and standards of conduct provide a shield for public officials as well as for the public they serve.

Thus we return to Richard Kleindienst.

When Mr. Kleindienst came to Washington as Deputy Attorney General, I found myself forced to take issue with some of his first official acts. We each confronted the issues squarely and when they were resolved, as a result of Mr. Kleindienst's flexible and positive attitude, I believe we had a mutually enhanced respect for each other. He has been scrupulous in the observance of every commitment he has made while in office. While I might disagree with the substance of some of his decisions, I do not question his motives in reaching them.

Whatever mistakes Mr. Kleindienst made in connection with the ITT matter, they appear to me to be human errors which result from a highly pressured life and not parts of a deliberate and deep-laid plot to give preferred treatment to a contributor to the Republican Party. I certainly do not believe that all of the questionable acts committed by the entire cast of characters should be laid at his doorstep to prejudice his confirmation.

One example of the manner in which he is willing to confront differences of opinion is worth citing as a guide to the way in which he will conduct himself as Attorney General. He happened to be in the hearing room while Clarence Mitchell, legislative director of the NAACP, was testifying with reference to certain doubts as to Mr. Kleindienst's posture on civil rights. In an act, which I suspect was unprecedented under the circumstances and with candor that was unusual under any circumstances, Mr. Kleindienst returned to the witness table to join Mr. Mitchell in a dialogue that was both frank and friendly. The fact that he was willing to risk a confrontation and that he was able to convert it into a conversation speaks well for his confidence and for the state of his conscience.

His professional ability has not been questioned. His experience as a member of the bar commands respect. No question has been raised as to any personal pecuniary conflict of interest, and he has filed a complete financial statement with the Judiciary Committee.

It is scarcely necessary to observe that it is a very short term we are considering. Under the established precedents, the present Cabinet will submit resignations in January of 1973. At that time the Judiciary Committee and the Senate will again review the qualifications of the nominee for Attorney General. Although I personally would vote to confirm Mr. Kleindienst for a longer term than that to which he has been nominated, I shall urge the Senate to confirm him for the brief period remaining before the 1972 elections bring about a new appointment of the Cabinet.

By Mr. BURDICK (for himself, Mr. HANSEN, Mr. PACKWOOD, Mr. MCGEE, Mr. STAFFORD, Mr. STEVENS, Mr. WILLIAMS, and Mr. YOUNG):

S. 2661. A bill to amend the Land and Water Conservation Fund Act of 1965 so

as to authorize the development of indoor recreation facilities in certain areas. Referred to the Committee on Interior and Insular Affairs.

Mr. BURDICK. Mr. President, I am introducing today a bill which would vastly increase the benefits received by the public through the Land and Water Conservation Fund Act of 1965. The bill, identical to S. 2473, which I introduced last year, permits the States to use 25 percent of their annual apportionments to enclose certain traditional outdoor recreational facilities. I am pleased that Senators YOUNG, STAFFORD, WILLIAMS, HANSEN, MCGEE, STEVENS, and PACKWOOD have joined me in offering the bill this year. Hearings were held in June of 1972 before the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs, under the able chairmanship of Senator ALAN BIBLE. I feel the record of these hearings clearly establishes the need for my bill and I am hopeful that the Senate committee will see fit to approve it this year.

In 1964 Congress recognized the need for Federal participation in both preservation and development of recreational areas by authorizing the Land and Water Conservation Fund Act. Now, 9 years later over 4,800 outdoor recreation projects have been approved and funded by matching grants to State and local governments of more than \$750 million. In addition, there have been greater than 2,600 land acquisition projects which have helped preserve over a million acres of recreational land for public enjoyment. Here there has been a total expenditure of nearly \$500 million.

The 50 States, Guam, Puerto Rico, District of Columbia, American Samoa, and the Virgin Islands participate in the program and themselves provide one half the cost of maintaining a statewide comprehensive outdoor recreation plan required by the act. Money for this highly successful program is maintained at an annual level of not less than \$300 million by revenues from the sale of Federal real surplus property, the collection of motorboat fuel taxes, and Outer Continental Shelf mineral receipts.

Mr. President, I think that it goes without saying that State and local governments have come to rely upon the responsiveness of this program to meet their identified recreation needs. One such is the development of indoor recreation facilities. The bill I introduce today would give the Land and Water Conservation Fund the flexibility needed to meet this growing recreation demand. The concept of amending the act to provide for the construction of either temporary or permanent enclosures for recreation facilities has interested me for some time. In 1967 I first introduced legislation to do so. At that time, however, many felt that the Land and Water Conservation Fund had not been in effect long enough to permit a complete evaluation of the impact of such a change. I was encouraged, therefore, when during the last session of Congress, and again this year, an administration sponsored bill included a provision similar to that which I offered 6 years ago.

While serious questions have been raised concerning other portions of the

administration's bill, I feel that authorizing the construction of temporary or permanent enclosures over traditionally outdoor recreation facilities is needed. For this reason, I revitalized my effort and introduced S. 2473 in the 92d session of Congress. The bill I introduce today is identical. Briefly, it provides that not more than 25 percent of the total funds allocated to a State under the act shall be directed to the construction of indoor facilities in an area where the Secretary determines that: First, the unavailability of land or climatic conditions provides no feasible or prudent alternative to serve identified, unmet demands for recreation; and second, the increased public use made possible by indoor facilities justified their construction. Also, I should mention here that the intent of this legislation is to authorize either portable or permanent enclosures. Senator STEVENS indicated during last year's hearings that there may be a need to clarify this point and I am happy to comply.

The benefits are easily demonstrable. Swimming pools, to cite just one example, are used for only 60 to 70 days per year in my own State of North Dakota. Temporary or permanent covers could make swimming a year-round sport. While the increase in construction costs for such a facility are estimated to be 30 to 40 percent, for this increased cost the public would enjoy 500 percent more swimming time. And this is a pool which recreation experts tell me will be more sanitary and easier to maintain. This is only one example of the benefits to be derived from the passage of my bill.

My amendment would allow fund money to be used for such facilities as enclosed swimming pools, ice skating rinks, and tennis courts—traditionally outdoor recreation activities. The money could not be used to fund such traditionally indoor recreation facilities as bowling alleys, billiard rooms, theaters, and gymnasiums. My amendment would not in any way decrease the funds given to a State for purpose of recreational development. It would not require a State to build indoor facilities and it is not intended to divert any outdoor recreation agency from the acquisition and preservation of land with recreational value. Rather than subvert the original intent of Congress, the bill will go a long way toward realizing the goal of optimum recreational resource development.

Mr. President, I recognize that some feel that the Land and Water Conservation Fund Act money should be used primarily for "open space" land acquisition. The basis for this argument seems to spring from the fact that some of the revenue of the fund was derived from park entrance and user fees, thus making the fund a "trust fund" for additional park acquisition. I feel that the record established by the Land and Water Conservation Fund since 1965 clearly indicates that large amounts of money are being made available for land acquisition and that many acres of land have, in fact, been acquired. But the record also shows that this is not the only purpose of the fund.

Also, it is significant to note that en-

trance and user fees have historically provided but 6 percent of the total monies available under the Land and Water Conservation Fund Act. At this point, I ask unanimous consent to have printed in the RECORD a letter I received from the Director of the Bureau of Outdoor Recreation, Mr. James G. Watt, which outlines the cumulative receipts to the fund for the fiscal years 1965-72. Further, the letter indicates that, under recent amendments, entrance and user fees collected are placed within a separate account to be administered in conjunction with, but separate from, receipts in Land and Water Conservation Fund.

Mr. President, my bill has been given the unanimous support of the National Association of State Outdoor Recreation Liaison Officers and I personally have received volumes of mail from every section of the country in support of the concept of Federal participation in construction of indoor recreation facilities. It is my hope that hearings will be scheduled on this legislation soon and that a new vista of recreational opportunities will be opened to the public by its early enactment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF OUTDOOR RECREATION,  
Washington, D.C., February 15, 1973.

HON. QUENTIN N. BURDICK,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR BURDICK: In reply to your letter of January 26, 1973, requesting information about receipts of the Land and Water Conservation Fund, I am pleased to provide you with the following data:

#### CUMULATIVE RECEIPTS, FISCAL YEARS 1965-72

[In thousands of dollars]

	Amount	Percent
Surplus property sales.....	\$391,244	29
Motorboat fuels tax.....	197,096	15
Outer Continental Shelf receipts.....	688,529	50
Entrance and user fees.....	78,992	6
Total.....	1,335,861	100

In regard to your question on motorboat fuels tax and entrance and user fees, all of the receipts are comingled and lose their separate identity after they are placed in the Fund. Appropriations are made from the total amount available and not from specific receipts.

Under amendments to the Land and Water Conservation Fund Act of 1965, entrance and user fees collected after December 31, 1971, are covered into a special account to be administered in conjunction with, but separate from the receipts in the Land and Water Conservation Fund and are available for appropriation for outdoor recreation functions of the collecting agency. To date, there have been no appropriations from this special account.

If we may be of further service to you, please let us know.

Sincerely yours,

JAMES G. WATT, Director.

#### ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1745

At the request of Mr. MONDALE, the Senator from Iowa (Mr. HUGHES) was



added as a cosponsor of S. 1745, the Sudden Infant Death Syndrome Act of 1973.

S. 1765

At the request of Mr. BAYH, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1765, a bill to establish an Independent Board of Parole, to provide for fair and equitable Federal parole procedures, to study the parole procedures provided for released prisoners, and for other purposes.

S. 1777

At the request of Mr. STAFFORD (for Mr. SCHWEIKER), the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1777, a bill to amend the Federal meat inspection act to prohibit the sale for human consumption of meat from horses, mules, and other equines.

S. 2238

At the request of Mr. MONDALE, the Senators from Iowa (Mr. HUGHES and Mr. CLARK), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of S. 2238, to amend the Internal Revenue Code of 1954 to increase the maximum credit and deduction allowable with respect to contributions to candidates for public office, to make certain changes in subtitle H of such Code with respect to the financing of Presidential election campaigns, and for other purposes.

#### SENATE CONCURRENT RESOLUTION 56—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF HEARINGS ON THE CHILD ABUSE PREVENTION ACT, 1973

(Referred to the Committee on Rules and Administration.)

Mr. MONDALE submitted the following concurrent resolution:

*Resolved, by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Labor and Public Welfare one thousand additional copies of the hearings before its Subcommittee on Children and Youth during the present session on the Child Abuse Prevention Act, 1973.*

#### SENATE RESOLUTION 195—ORIGINAL RESOLUTION REPORTED AUTHORIZING CERTAIN FUNDS RELATING TO THE NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

*Resolved, That Senate Resolution 53, 93d Congress, agreed to February 1, 1973, is amended as follows:*

(1) Sections 5 and 6 are redesignated as sections 6 and 7, respectively.

(2) Insert after section 4 the following new section:

Sec. 5. From October 13, 1973, through February 28, 1974, the amounts made available under sections 3 and 4 of this resolution shall also be available for a study or

investigation, including the procurement of individual consultants or organizations thereof, relating to the nomination of Gerald R. Ford of Michigan to be Vice President of the United States.

#### SENATE RESOLUTION 196—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO MARY H. BRICK

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

*Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary H. Brick, widow of John Brick, an employee of the Senate at the time of his death, a sum equal to nine and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.*

#### SENATE RESOLUTION 197—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO RAYMOND H. MILLER

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

*Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Raymond H. Miller, widower of Anne C. Miller, an employee of the Senate at the time of her death, a sum equal to six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.*

#### SOCIAL SECURITY ACT AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 640

(Ordered to be printed and referred to the Committee on Finance.)

MEDICARE DEDUCTIBLE FREEZE AMENDMENT  
TO H.R. 3153

Mr. MUSKIE, Mr. President, on behalf of myself and Senators CHURCH, CLARK, WILLIAMS, TUNNEY, HUMPHREY, HART, MOSS, HARTKE, HUGHES, METCALF, MCGEE, RIBICOFF, PELL, MCGOVERN, EASTLAND, STEVENSON, EAGLETON, CHILES, ABOUREZK, MCINTYRE, MONDALE, STEVENS, JACKSON, MAGNUSON, JAVITS, BAYH, CASE, HATHAWAY, BURDICK, and BIBLE, I offer an amendment to H.R. 3153, the Social Security Act Amendments of 1973, to freeze the Medicare part A hospital insurance deductible at its current \$72 level for 1974 as a temporary relief measure.

The Department of Health, Education, and Welfare announced last month that the deductible—the amount a hospital patient must pay before Medicare takes over—would increase from \$72 to \$84 in 1974. This increase in the hospital deductible would also have the effect of raising by 17 percent the Medicare coinsurance charges—the portion of the costs that patients must pay for hospital stays longer than 60 days and for nursing home extended care after 20 days.

If the increase is allowed to take place, it would affect some 5½ million aged and disabled Medicare beneficiaries who are expected to be hospitalized in 1974. It would add yet another burden to the aged who have limited incomes and still must somehow cope with ever-rising prices. It would also come hard on the heels of an increase in the monthly premium charge under the Medicare supplementary medical insurance program, which has just risen from \$5.80 to \$6.30 per month.

These additional Medicare charges are robbing the aged of the small amount of discretionary income that they have. For many of the aged, food and shelter and medical costs consume almost their entire income. Even relatively small increases in Medicare charges can have a major impact on their personal finances.

The deductible for Medicare hospital insurance was \$40 when Medicare went into effect in July 1966. Raising the deductible to \$84 would mean that it has more than doubled since the program began. At the same time, the coinsurance payments, which are linked to the deductible, would also more than double. Next year, if a Medicare beneficiary required more than 60 days' hospitalization, the coinsurance payment per day for the 61st through 90th day would be \$21 a day as compared to \$18 currently and \$10 when Medicare was enacted. For a posthospital stay of more than 20 days in a nursing home the coinsurance would be \$10.50 a day compared to \$9 currently and \$5 when Medicare began.

As things now stand, this increase is mandatory because the law requires the deductible to be determined annually according to changes in average per diem hospital costs covered by Medicare. Under section 1813(b) of the Social Security Act, each year the Medicare inpatient hospital deductible for the following year is set—in multiples of \$4—at \$40 multiplied by the ratio of average per diem inpatient hospital costs, for the previous year compared to the average per diem cost for 1966. For instance, the deductible for 1974 is set in 1973 based upon inpatient hospital rates in 1972.

My amendment would declare a 1-year moratorium on the ever-increasing hospital deductible and coinsurance charges. The amendment requires that the deductible remain at \$72 during 1974, thus also freezing coinsurance at current levels. In addition, the amendment modifies the cost increase formula by changing the base year from 1966 to 1972, thus providing that increases from the \$72 level would be based on the percentage increase in the average per diem rate for hospital services since 1972. Under the amendment, for example, the deductible and coinsurance for 1975 would be set during 1974 based on hospital cost increases in 1973.

This temporary relief for Medicare recipients can easily be borne by the hospital insurance trust fund. The estimated additional cost of the amendment would be \$103 million for 1974, but in that year the hospital insurance trust fund is pro-

jected to have a surplus of almost \$10 billion. The fund is expected to have increasing surpluses in later years because: First, the hospital insurance fund portion of the payroll tax has been raised from 0.6 percent in 1972 to 1 percent in 1973; second, the amount of wages which are covered by social security, and thus taxed, will go from \$10,800 to \$12,600 in 1974; and third, the number of employed persons continues to go up, which provides additional revenues. My amendment would not jeopardize the short-term or long term actuarial balance or safety of the trust fund, and would require no further financing.

Finally, there is no policy justification for allowing the medicare deductible and coinsurance to increase. Hearings I have conducted, as chairman of the Subcommittee on Health of the Elderly of the Special Committee on Aging, show that increased "cost-sharing" under medicare would not increase the efficiency of the program, but would merely impose financial hardship on millions of the elderly, and possibly discourage needed preventative health care leading to increased longrun costs.

Mr. President, this amendment is enthusiastically supported by the National Council of Senior Citizens and the National Retired Teachers Association-American Association of Retired Persons. Together they represent almost 9 million aged and aging Americans who are more than a little concerned about escalating medicare charges.

Now is the time to provide at least temporary relief from yet another stiff medicare increase. I urge the Senate to adopt this medicare deductible freeze amendment. I ask unanimous consent that the text of this amendment be reprinted in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

#### AMENDMENT NO. 649

At the appropriate place in the bill, insert the following new section:

#### LIMIT ON MEDICARE INPATIENT HOSPITAL DEDUCTIBLE

SEC. —. (a) (1) Section 1813(b) (1) of the Social Security Act is amended—

(A) by striking out "\$40" and inserting in lieu thereof "\$72"; and

(B) by striking out "1969" and inserting in lieu thereof "1975".

(2) Section (b) (2) of such Act is amended—

(A) by striking out "1968" and inserting in lieu thereof "1974";

(B) by striking out "\$40" and inserting in lieu thereof "\$72"; and

(C) by striking out "1966" and inserting in lieu thereof "1972".

(b) The Amendments made by subsection (a) shall be effective with respect to services provided after December 31, 1973.

Mr. RIBICOFF. I am cosponsoring with Senator MUSKIE an amendment to freeze at present levels the medicare deductibles and copayments which patients have to pay. Under present medicare law these payments go up annually as the average daily cost of hospital care goes up.

It was recently announced that on January 1, 1974 these deductibles will go up again.

There is no doubt that the cost of hospitalization has increased since medicare

was enacted in 1965. But we cannot keep putting heavier cost burdens squarely on the shoulders of the poor, sick elderly members of our population whose incomes are frozen.

The average out-of-pocket payment for Americans aged 65 and over has grown from \$234 in 1966 to \$276 in 1972, the latest year for which complete statistics are available.

In Connecticut alone over 290,000 older Americans enrolled in medicare would have to pay more for hospital care. This would completely wipe out the benefit of my 5.9-percent social security increase which Congress recently enacted into law.

If this bill is not enacted, medicare patients will have to pay the first \$84 of these hospital bills rather than the first \$72.

Because of the increase in the hospital deductible present law also requires other cost increases. Thus, when a medicare beneficiary has a hospital stay of more than 60 days he will be forced to pay \$21 a day for the 61st through the 90th day, up from the present \$18 per day. If he has a posthospital stay of over 20 days in an extended care facility he will be forced to pay \$10.50 per day instead of the present \$9. And if a medicare beneficiary ever needs more than 90 days of hospital care, his "lifetime reserves" of 60 days will cost him \$42 a day instead of the present \$36 per day.

Under our proposal the deductibles would be kept at their present level. That means the 1st day of hospital care will cost \$72 instead of \$84. The deductible for the 61st to 90th day will cost \$18 instead of \$21. The deductible for extended care after 20 days will cost \$9 instead of \$10.50. And the deductible for the medicare lifetime reserve will cost \$36 instead of \$84.

It is time once and for all to put an end to these additional cost burdens on older Americans who cannot afford to shoulder them.

Our proposal will provide long overdue relief to millions of older Americans.

I ask unanimous consent that certain tables be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

#### MEDICARE DEDUCTIBLES AND COPAYMENTS

	Levels as of 1974	Muskie-Ribicoff proposal
1st day hospital deductible .....	\$84.00	\$72
61st to 90th day hospital deductible .....	21.00	18
Extended care after 20 days .....	10.50	9
Lifetime reserve days .....	42.00	36

#### INCREASES IN DEDUCTIBLES SINCE MEDICARE ENACTED

For benefit period beginning in	Inpatient deductible	61st to 90th day	Lifetime reserve
1966 .....	\$40	\$10	\$20
1969 .....	44	11	22
1970 .....	52	13	26
1971 .....	60	15	30
1972 .....	68	17	34
1973 .....	72	18	36
1974 .....	84	21	42

#### ADDITIONAL COSPONSORS OF AN AMENDMENT

##### AMENDMENT NO. 619

At the request of Mr. MONDALE, the Senators from Iowa (Mr. HUGHES and Mr. CLARK) and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of amendment No. 619 intended to be proposed to the bill (S. 2188), the Midwest and Northeast Rail System Development Act of 1973.

#### NOTICE OF CHANGE OF HEARING DATE ON OIL AND GAS DEVELOPMENT IN SANTA BARBARA CHANNEL

Mr. METCALF. Mr. President, I wish to inform all Senators and other interested persons that the hearings on S. 1951 and S. 2339, both dealing with the Santa Barbara Channel situation, which were scheduled for Monday, November 12, have been rescheduled for Tuesday, November 13. The hearing will begin at 10 a.m. in room 3110, Dirksen Senate Office Building.

#### NOTICE OF POSTPONEMENT OF HEARINGS

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator Eastland, chairman of the Federal Bureau of Investigation Oversight Subcommittee of the Judiciary Committee, I announce that the hearings of that subcommittee set for tomorrow, November 6, on S. 2106, to provide a 10-year term for the Director of the FBI are indefinitely postponed due to conflict with the ongoing full Judiciary Committee hearings into the firing of Archibald Cox and legislation dealing with court appointment of a special prosecutor.

Hearings on S. 2106 will be rescheduled as soon as the schedule of the full Judiciary Committee allows them.

#### ADDITIONAL STATEMENTS

##### WATERGATE

Mr. YOUNG. Mr. President, I share the deep concern as evidenced by good people all over the country with reference to this whole Watergate mess. There have been countless charges—many of them substantive, but some of them irresponsible and oftentimes of little substance.

Unfortunately some good people have been hurt. They have been put in the position of being guilty until they prove themselves innocent.

One of North Dakota's most able and respected editors, John Hjelle of the Bismarck Tribune has some views regarding the recently fired Special Prosecutor Prof. Archibald Cox. He expressed these views in an editorial entitled "Cox Objectivity Suspect" which appeared in the Tribune on October 31. I am sure the views expressed by this very able and reputable editor are shared by a great many people. It has become a bit too uncommon for editors and others to speak up in defense of an unpopular issue.



I ask unanimous consent to have this printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Bismarck (N. Dak.) Tribune, Oct. 31, 1973]

#### COX OBJECTIVITY SUSPECT

The suspicion that former special prosecutor Archibald Cox was less than an objective and politically-disinterested participant in the Watergate investigation is strengthened by disclosures Tuesday.

It now has been made known that Cox, who served as solicitor general in the John F. Kennedy Administration, has gone out of his way to discuss secret information in the case with political enemies of the Nixon Administration.

Of course, he says, he did not intend that the information be "leaked" to the press.

He also asks for himself a regard that he has indicated is evil if directed towards anyone else.

He hopes, he says, that members of the Watergate investigation committee will be "charitable enough" to believe that he did not intend a deliberate leak.

And he pleads the "stress and strain" of the last few weeks as an excuse for his misdeed. After the error, he admits it was "inexcusable" and he feels "very badly" about it.

Of course, all this compunction comes after the damage has been done and it's too late to do anything about it.

Cox has been elevated into something of a Galahadian hero whose only purpose as special investigator, before he was fired, was to ferret out the truth without fear or favor.

Now, however, it is divulged that he hasn't been totally above special favors to political compatriots. Of all people he might have chosen, he selected Sen. Edward M. Kennedy, one of the Republican Administration's most bitter foes, and one whose political ambitions may be served greatly by discomfiture to the Republicans, for his confidences. The choice is too significant to be either coincidental or accidental. Obviously, it means he has been feeding information to persons outside the investigating committee for purposes other than the furtherance of the investigation.

#### BANGLADESH: THE WAVE OF THE FUTURE?

Mr. KENNEDY. Mr. President, just as Bangladesh has come to symbolize for many the triumph of self-determination and the struggle for democratic principle, so, too, has Bangladesh come to represent the growing problems facing most of the developing nations of the world.

In a peculiar and important way, Bangladesh may represent the wave of the future—whether for good or ill. Like so many nations in the Third World, Bangladesh faces progressively severe demographic problems, with persistent scarcities in food, problems and corruption in administration, instability in government, all of which undermine the Nation's social and economic development.

And, like too many developing nations, Bangladesh is particularly subject to the winds of fate. Droughts, floods, and other natural disasters which, in a developed nation barely faze national life, in a

nation surviving on the slim margin as Bangladesh, means not only immediate human tragedy but longer-term disruption of economic and social life.

Combined, these factors tend to create a vicious cycle: Forced to use its limited foreign exchange to buy food to feed its hungry cities and towns, Bangladesh is unable to purchase the fertilizers, insecticides, and other agricultural investments to increase its food production, only to be faced again, the following year, with the need to buy more food, sometimes at double the price, with even less funds left for improvement in agricultural production.

Mr. President, if Bangladesh is, as many speculate, a symbol of the future of the Third World, then it becomes one of the crucial issues of our time whether that future is filled with tragedy and even greater human suffering, rather than progress in social and economic development.

This issue was clearly presented last week by the Christian Science Monitor correspondent, Mr. Richard Critchfield. In a two-part essay on Bangladesh, he clearly portrays the human aspect of the dilemmas confronting the developing nations, as well as the governmental and economic problems involved.

Mr. President, I commend these important articles to my colleagues in the Senate, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Oct. 31, 1973]

#### BANGLADESH—1

(By Richard Critchfield)

JOYPUR VILLAGE, BANGLADESH.—It is a land of golden dreams and dreadful nights, fiercely naked in the enormity of its population and the depth of its poverty.

It is the great delta of the Himalayan-watered Ganges and Brahmaputra Rivers, silt-rich, wet, flat, and so lushly green and fertile that despite regular cyclones, floods, and drought it has managed to precariously support 76 million Bengalis in an area smaller than Wisconsin. If the United States were so densely populated, it would have more than 6 billion people.

It was created after a bloody civil war in 1971. It is the world's newest country and, as Prime Minister Mujibur Rahman told me, it is "poor, poor, poorest of the world." It is the international extremity case, as far as you can go, the rock bottom—Bangladesh.

Land holdings are fragmented and small. Very few (only 10 percent) are as much as 8 acres. Most farms are between one and two acres and closer to one acre. Of the many holdings that are less than half an acre, most are subdivided still further into tiny, disconnected plots.

Rice and few vegetables are the diet; with a daily average of 841 grams per person in the villages and 726 grams in the towns—both amounts considered by some experts to be at the starvation level. Along with malnutrition, such age-old scourges as cholera and smallpox are reported once more on the rise.

Some 94 percent of Bangladesh's people live in the country's 65,000 villages. The productivity of their subsistence agriculture is

very low. Its growth rate of 2.5 percent a year cannot keep up with one of the world's highest rates of population growth, estimated at more than 3 percent.

Yet experts believe that if the peasantry is given an opportunity and supplied with all the resources it needs, the potential is there for doubling rice output in 10 to 20 more years. This would be more than enough to feed the projected population.

Unlike the arid and semiarid parts of Africa and India where population already may have outstripped resources and no corrective agricultural technology exists, at least Bangladesh has a degree of discernible hope for its future.

This hope has been reduced to a flicker in the villages. But it is not too late.

Now in the Monsoon, out in the rural countryside, Bangladesh is a very beautiful land, with a soft languor and gentle rhythm of its own. Great swirls of white, thick, cumulus clouds, towering 30,000 to 40,000 feet, drift over its wet, pale-green surfaces. Mist hangs over the endless sea of rice paddies like steam over a vat.

By day, it is a deceptively peaceful scene.

The village of Joypur (pop. 1,507, 138 families, 306 houses, six high-school graduates, a primary school, and a mosque) lies steamy and somnolent in the sun—its busy activity out of sight off in the fields, or hidden from view in the women's courtyards.

Chickens scratch for grain, naked children play in the dust, there is the soothing creak of bullock carts; a tailor sits crosslegged before his ancient sewing machine.

In the background, provided the diesel fuel and spare parts can be found to keep it running, there is the drone of the pump engine at the village's only tube well, which waters 60 of Joypur's 250 cultivated acres.

The lack of more wells is a bone of contention: Water means the difference of one or three crops a year. The village has been promised two more deep wells and pumps to irrigate all its land. But although local politicians from the ruling Awami League vowed something would be done before last March's general election, nothing has happened.

At dusk the village comes to life. As crows leave the village in screaming flocks for their night roosts in the fields, the men come in to settle in groups before one of the open pavilions and talk—rich, warm Bengali talk, argumentative and humorous, fervent, and excited in gossip, protest, and indignation.

#### HIGH PRICE OF CLOTH

The men are barefoot and clad only in saronglike *lungis*—from habit and the high price of cloth; a few still have rags tied around their hair against the day's fierce sun or sudden monsoon rains.

They are for the most part cheerful, with shy, diffident manners that suddenly explode into grins or excited chatter, their heads bobbing from one side to the other. Although generally malnourished, one or two robust figures stand out—like Rashid, an earnest youth respected as the best farmer in the village, or silver-haired Abdur, the cooperative society chief—as if nature sought to show that all of the modern world's concern with nutrition, health, and disease prevention hardly mattered.

Against the murmur of their voices, fireflies dart over the ponds and the winding path to the outside world; slowly the flickering lamps in the enclosed women's quarters start to be extinguished and cicadas and frogs snicker and croak from the fields.

It should be a calm and idyllic scene: It is not.

As night falls, fear seeps into Joypur. The

talk, as it always does these days, centers on growing lawlessness, the gangs of dacoits, or bandits, who attack the villages at night.

#### SITUATION DETERIORATING

"We are always afraid," frets Ram Lal, the Hindu coppersmith. "The government cannot cope with all this lawlessness. Ah, Sheikh Mujib [the Prime Minister] is a good man, but those around him are dishonest and corrupt."

Sitting crosslegged beside the copper-smith, an old whitebeard cackles, "Hee, when an elephant tries to catch a frog, the frog will jump quickly. But once he's under the elephant's heel, he lies there pretending to be dead. That's how it is for us."

"The situation deteriorates day by day," says the bespectacled schoolteacher, feeling called upon to comment.

Although a moon shines, the fall of darkness has made everything outside the halo of a small oil lamp look impenetrable and dark. Across the courtyard, Rashid's wife, shrouded and bent over a smoking cauldron, waits for water to boil. Everyone is resting from the day's labor, thinking and wondering when the dacoits will attack the village next.

They came just after 11 o'clock one night, 15 or 20 young men armed with Sten guns and rifles and landing in small boats from the river—some wearing dark cloths below their eyes but others with war paint like savages in a Hollywood film. The villages suspect it was an inside job. They attacked two houses whose owners had just sold their rice crops. One man refused to open the door; they shot through it and wounded him.

#### POLICE STATION LOOTED

Some villagers claim they were not real dacoits at all but younger, better-educated men. They got the impression the attackers were liberation war veterans or university students, maybe youths better armed than the police and embittered against the government, who saw no other way of making money.

Others speculate politics was involved: Maybe the night-comers were Communist Naxalites or Muslim Leaguers or Pakistani militiamen or Awami League bully boys. Or maybe just straight bandits after all.

In other places it is worse, they hear—daylight bank robberies, hijackings, murders, rapes.

Most shocking to Joypur's people was a successful seizure and looting of their local thana, or district police station. From Mogul times until now, the police thana always has been the village's main link with the government. What are they to think now at the spectacle of 30 sacred policemen, armed with ancient Lee Enfield rifles and cowering behind their rusted barbed wire at night lest the dacoits strike again?

Who will protect Joypur?

No one but themselves, they conclude, and now each night five volunteers patrol—ready to sound a general alarm the moment anyone suspicious approaches.

Ram Lal, one of the village's few Hindus, is most fearful of all. During attacks on some of the nearby villages, he has heard, the raiders are telling the people that what the Pakistanis had not destroyed the Indians would steal, that Sheikh Mujib mollycoddled Hindus and was not standing by the tenets of true Islam.

#### EDUCATED DACOITS

Ram Lal knows too well the age-old phenomenon of Bengali Muslims reacting to pressure in unpleasant anti-Hindu ways. He and his wife and children were among the 10-million refugees who fled to India during the civil war and he tells her: "We are a

minority and we must always worry about how we will be treated by the Muslims.

"Sheikh Mujib is not communal and has declared Bangladesh a secular state. But if times get bad again, we will be made the victims and must flee."

Now, as everyone sits in silence somewhere out in the darkness comes the mournful cry of a bird, "Trrrr, trrrr, . . ."

Ram Lal shudders.

"Did I feel a raindrop?" asks Rashid.

"Hah," snorts the old man, "we are not salt that will melt away."

After another pause, he observes: "Even the educated people are dacoits these days. But they do it sitting from a chair in Dacca. The real dacoits come to your door."

"They do, they do," affirms the Hindu, drawing nearer his familiar Muslim neighbors as if he has grown apprehensive.

Ahmed, a rugged-faced sinewy man who is one of a group of itinerant landless laborers now in the village, makes fun of the paunchy Hindu.

"Dacoits don't bother poor men," he scoffs. "All we possess is our bedding. Who will slit our throats for that?"

"Whatever comes, it is Allah's will," mumbles another of the laborers.

Ahmed and his group had journeyed two days by boat from their distant village—part of the army surging across the Bengali countryside looking for field work, in return for rice to eat and 50 cents a day. Rashid has let them sleep in a lean-to at his threshing ground.

Young Rashid is troubled. "We got independence but not peace," he tells the others.

"These dacoits come to plunder us at night. Who dares to sleep in his own house? Without security, what good is independence?" In the yellow glow cast by the oil lamp his handsome face has a haunted appearance.

The silver-haired Abdur agrees. "Before we listened to what the government said. Now who can believe the rascals? We just turn away from their words."

#### NO FERTILIZER

"But the dacoits are not the worst of it," interrupts Rashid. "Look at me. My whole life is growing rice. But these days I cannot grow a good crop for want of fertilizer, insecticides, and fuel to keep the irrigation pump going."

"If we had a sure supply of these things, I for one would like the government to stop its subsidy. Let us pay cash."

The other men enthusiastically agreed.

"But now it's impossible," Rashid went on. "Those foxes in the government are selling our supplies out the back door at black-market prices."

"Some high hands are involved in it," Abdur puts in.

Rashid is stirred up now. "For the last 18 months we are learning from the radio that corruption will end and that the government wants us to grow more food. But for this 18 months, there is no change at all."

"During liberation even a dying man wanted to hear their words. Now no more."

"Ah, brothers," sighs the old man. "I hoped things would get better and I could take rest. Now I must go on working."

"Those who can afford it stop at 60," philosophizes Ahmed. "Those who can't go on until they drop in the fields."

"Work can keep your health," retorts the old grandfather with spirit. "An idle man gets lead in his bones." He looks around slowly at the faces of the younger villagers. "Bangladesh will always live in want," he thinks aloud, remembering many such conversations going back generations. He tells the men how it was in his youth, when Joypur had half the people, much less than

half the people. "Ponds full of fish, fields full of grain. . . ." He chuckles and the men laugh.

Only Ahmed is not amused. "You speak like Sheikh Mujib," he says, "and his dream of a golden Bengal."

Some of the villagers may not curse, nor complain, remembering Allah's will, but Rashid is determined to improve his lot. Although like his neighbors he completed only five years of primary school, he keeps careful records of all his earnings and the money he spends.

Rashid possesses two acres (somewhat more than the average sized holding), owns two bullocks, and supports a family of wife, five children, and a widowed mother. (Typically, he married when his wife was 13 and he 22).

A student also lives with the family, in return for rice and a place to sleep, tutoring his children in Bengali, English, mathematics and the Koran—not an unusual arrangement in Bangladesh where learning is held in highest esteem.

Last year Rashid raised 7.5 tons of IR20 and IR5 dwarf rice, plus some traditional varieties for his often-flooded lowland plot, by triple cropping half his land. The total worth of his harvest came to the equivalent of \$471, giving him enough, after expenses, to build a new house.

But figuring in his bullocks' labor and his own, Rashid gives his farm a net profit of only \$28.

As a cultivator, Rashid sympathizes more with a laborer like Ahmed than the more prosperous coppersmith Ram Lal, who loans money at 100 percent interest. ("After the Hindus fled to India," Rashid says, "more than twice as many came back. It is some Indian Government policy. Some tried to claim land they sold 10 years ago. Maybe Sheikh Mujib favors them; I don't know.")

#### LAND MORTGAGED

He feels Ahmed is justly embittered; the laborer's wife had an operation at the government hospital in Dacca that cost him \$70. Already in debt, he had to mortgage the quarter-acre of land he inherited from his father. For the first time, he joined the hungry army of roaming men looking for farmwork in the countryside.

Ahmed has told Rashid, "First my wife got ill, then came insects, then floods, and now rising food prices. This is the worst year of my life, worse than ever before."

So far, harvesting by day and threshing by night for 18 days, he has managed to send home a \$4.50 postal money order.

"I may have to go home empty handed now," he tells Rashid, since there is no work available in Joypur. "It is peaceful here, but all I do is sit around and think what I can take home to feed my four children."

Rashid is sympathetic and realizes his own good fortune. "Khub bhalo katse," he thinks. "I eat good. I have my independence and my dignity. This Ahmed is confused. I can employ men. If you lose the land, you are a slave to others."

Future hope in Bangladesh rests with Rashid and the millions like him, provided law and order is restored and they get the resources they need.

Or a grimmer future lies with men like Ahmed, for whom, in the words of Rabindranath Tagore, "the horizon is fiercely naked." The great Bengali poet was comparing pent-up human wrath with the ominous silence, heat, and despair of a drought, when "lashes of lightning startle the sky from end to end."

The determination of which of these futures will come to pass in Bangladesh depends largely on the day-by-day decisions of the men in Dacca.



[From the Christian Science Monitor, Nov. 1, 1973]

# BANGLADESH—2

(By Richard Critchfield)

DACCA, BANGLADESH.—A clap of thunder breaks from the black clouds fearful and deafening. Hardly has it ceased when there comes such a blinding flash of light that for an instant you can see the whole city to its farthest reaches: the crumbled, rubbish-strewn boulevards; the Mogul and Victorian public buildings mildewed with neglect; the thatch of the squatters' shantytowns gnawed away by rats and rain; the graffiti urging a "Muslim Bengal" and "death to American imperialism"; and everywhere, the straining, emaciated figures of men, pushing hard against heavy wooden carts, pedaling their rickshaws, harnessed like draft animals to barges along the canals, their drawn faces outlined with startling clarity as bursts of lightning gleam in their eyes and glitter from the sweat running down their backs.

Then the rains come. A torrent of solid shafts of water coming straight down. Soon the streets are knee-deep in it; rivers of mud and filth flow down to the low land squatters' colonies.

Under an improvised shelter of corrugated tin, a group of men huddles, shivering. They wear only old sackcloths, which have once seen service for sugar or grain, around their waists. Wet, trembling, half numb with the cold, yet cheerful, they gossip in loud, excited voices.

Here is Ali, a rickshaw man from the rotting slum nearby. Ali, his wife, and four children sleep in their single room, their one possession an iron bed loaned from fleeing Biharis during the war. He earns \$1 to \$1.40 a day and yearns for enough to send his children to school. But in the five years since he left his village in Faridpur he has been forced deeply into debt.

And Abdul Kalam, son of a rice-growing peasant in Noakhali. A daily laborer, just 18, he has no home nor wife but sleeps on the ground at his construction sites. Alone of the group he wears a torn, sleeveless shirt garment, which despite its holes is still a mark of status.

## EARNINGS SHARED

And Rajab, a cart puller, poorest of all. Wiry, barrel-chested, sun-blackened, he owns his cart but must share earnings of 80 cents to \$1 a day with one or two youths who push from behind and get 25 cents apiece. On bad days he sometimes goes hungry, but has no debts. "Debts?" he laughs in a rich, deep voice. "Who would be so foolish as to loan money to such a poor man?"

The rain lasts and a plump little man with a black umbrella and anxious eyes seeks shelter, standing apart from the laborers and fretting in English about the rain and the heat. He mops his face with a grubby handkerchief and ties it around his neck to protect a frayed white collar.

Badrul Mohammed, as he shyly introduces himself, formally shaking hands, is a lower-level clerk earning \$37.14 a month. He shares one room in a government "mess quarter" with four others from the office.

Cultivated, conscientious, and self-conscious, he pays the \$8 monthly tuition of two younger brothers in college being educated to follow his example of shuffling papers in an overstuffed government bureau that exists to shuffle papers and worry about how to educate its future sons for nonexistent jobs. He sends another \$7 a month back to his mother in the village.

Badrul gazes into the rain, taking in the pall of cooking smoke from the slum colony, its slippery stairways carved from mud, the potholes, the rubbish everywhere, children with spindly legs and matted hair

standing in doorways, and the pathetic lines of torn and ragged garments left hanging by some absent workers and rotting in the rain.

"My father loved Macaulay," he blurts out in a tone of suppressed hysteria, "and he wore a tie, suit, and vest every day of his life."

His longing to escape his environment was barely suppressed—underlined by the tortuous, shadowy streets in this old part of Dacca, with its hint of threatening violence and medieval superstition.

## CITY SEEMS OMINOUS

The minor lanes are dark, narrow, and seem charged with a sense of excitement and revolutionary fervor. Here one remembers it is not long since Dacca was a prime symbol to the world of crazed soldiers terrorizing the capital and mobs of armed students who changed the course of the subcontinent's history.

The newer, modern part of the city seems no less ominous.

Even the Intercontinental Hotel—all plate glass and fantastic prices—breathes anxiety. Jittery do-gooders and fed-up engineers exchange the latest horror stories in the lobby. The bar is a hangout for Bengali hoodlums, black marketers, and KGB and CIA hardboys companionably sipping their iced drinks and eavesdropping on each other to find out what is going on.

Worst is the bureaucracy. The central government Secretariat is swarming with scheming Awami Leaguers and petitioners, underpaid clerks with incipient beards intent on procrastination, a muddle of telephones that do not work, frequent power failures (Badrul, the clerk, said he was afraid to ride on elevators in his building for fear the electricity would suddenly give out), and senior civil servants and military officers who openly declare to any sympathetic ear their unhappiness over upset decisions, insecure jobs, being at the mercy of whimsical men in a whimsical party. They bluntly state the country is going to the dogs.

Above all is lawlessness and the pervasive fear of a complete breakdown in order where the deprived Alis and Abduls and Rajabs would rise up in mob rioting, looting and seizing what they could.

To save the situation there has got to be an economic turnaround. In the nearly two years of independence, prices of some key commodities have risen 100 percent, rice has gone from 45 to 120 rupees per sack (82 pounds). Essential goods like cloth and baby's milk are scarce; and farm inputs like fertilizer, insecticides, engine fuel, and spare parts are seldom available, or if they are, at black market prices.

Exports are not going out nor imports coming in as they should. Banks cannot make loans. No one will invest when the law and order and economic situations seem so grim.

The production of jute, the country's primary export, earns just over what was spent to import food this year, but it is expected to decline to 6 million bales in 1973, a million below normal.

Both in Dacca and in the countryside, there is an oppressive, pervasive sense of civil dissolution and national demoralization that most Bengalis seem to feel and are universally anxious to tell you about.

## MILLWORKERS MAKE DEMANDS

Millworkers, who either struggled in the liberation war or at least had their hopes raised by it, are becoming hard to handle with their quite legitimate demands in relation to their impoverished status.

The government's response has been to strong-arm banks to provide ever more money to meet union demands—something

that feeds already soaring inflation and is self-defeating, since it only buys time.

And time is running out in Bangladesh.

Mujibur Rahman, the Prime Minister, still has some support from the masses; there is no alternative to him in sight, and Bengali peasants are greatly fatigued and deeply conservative. But widespread disaffection seems to be growing quickly as they come to feel themselves directly threatened by lawlessness.

How can a massive upheaval be avoided?

A neat and tidy solution would be if Sheikh Mujib could reform the Awami League, clean house in the bureaucracy, extend popular participation (there will be local elections in December), encourage the growth of an opposition party so that Awami League monopolization of local power does not perpetuate a system of corruption and strong-arm rule, and somehow find ways to arrest economic decline and increase productivity.

One rainswept night in Dacca I spent more than an hour discussing this with Sheikh Mujib in his office in Dacca's old parliament building.

Mercedes 220's lined the driveway, there were a lot of soldiers, and liveried servants scuttled back and forth with elaborate tea trays. But the Prime Minister himself, wearing his habitual white Punjabi pajamas and a black wool vest, seemed, when the conversation turned away from political rhetoric, to be a very decent man, fatherly and with strong, rather conservative middle-class values.

The Prime Minister described Bangladesh as being trapped in the familiar vicious cycle:

As long as most of the country's foreign exchange must be spent on keeping Dacca and the other cities and towns fed, he is unable to buy the fertilizer, insecticides, and irrigation equipment to increase the yield.

"If I have to purchase so much food from outside," Sheikh Mujib asked, "how can I divert money to agricultural production and reconstruction? This is one of my terrible problems."

He also claimed that with an expanding force of Army, combat police, and civil police (he refused to say how many but estimates range from 30,000 to 50,000, with 20,000 more Army and Air Force regulars coming back as repatriates from Pakistan), he would soon have lawlessness under control.

I asked Sheikh Mujib if Bangladesh's troubles were not fundamentally rooted in the inherent difficulty of trying to transform, within some semblance of democratic government, a subsistence agriculture economy into the more prosperous kind of society that lives by buying and selling.

## STRONG AUTHORITY REQUIRED?

The United States achieved this a century ago only by exploiting to some degree millions of poor immigrants. Russia did it by brute force, and China now seems to be succeeding, but only by absolute despotism. Could Bangladesh, or even India, carry out its economic transformation without a more authoritarian or at least stronger government?

He answered with some passion: "It is a question of conviction. Within these past 21 months, we have given the nation a liberal constitution with fundamental rights and general parliamentary elections. And production and exports have increased."

"In a fair and free election, we won 307 out of 315 seats. If I wanted to I could pass laws and take more drastic actions and nobody would object to it." (Indeed, the new Parliament that very day passed a new emergency-powers act, that will, in effect, give him virtual martial-law authority if he chooses to use it.)

Sheikh Mujib went on: "After liberation, the people would have given me anything, dictatorial powers. But I don't want them. You should take your people with you. You can't always resort to arms and authoritarianism. You require the people's cooperation and confidence. It is a very big asset."

"Let us try the democratic process. It is a very long one; but democracy is not something you can do in one day."

After I left his office that night, my car fell behind a bus on a crowded, rainy street. It was one of Dacca's old double-deckers. Despite the drizzle and darkness, men were riding on the roof, others clung to the sides, the doors. The rear bumper seemed to drag on the pavement.

The bus creaked forward, not fast, but fast enough so that men who could not find a grip or had lost their hold ran behind, perhaps hoping it would stop further on. But the bus did not stop. It just disappeared into the wet, dense Bengali night and so did the men, running silently, enduringly after it.

#### LUDWIG VON MISES: GENIUS OF THE FREE MARKET

Mr. BUCKLEY. Mr. President, I was saddened to learn of the death on October 10, 1973, of Ludwig von Mises, described by the New York Times as "one of the foremost economists of this century." A champion of the free market and a defender of individual liberty, Von Mises made a unique and lasting contribution to the history of freedom. Born in Austria in 1881, he achieved worldwide fame for his work, "Theory of Money and Credit" in 1912. Because of his staunch defense of freedom, he was forced to flee Austria when the Nazis took over. For many years he was a member of the faculty of New York University, where a generation of students discovered that his mastery of his subject was matched by his skill as a teacher.

During a period when socialism seemed to many to be the economic dogma of the present and the political hope of the future, Von Mises challenged the premises of socialism and was so successful that he caused socialist theoreticians to make revisions in socialist economics. With devastating logic and a brilliant grasp not only of his subject matter but of a wide range of knowledge, he demonstrated that free choice and a free market are indispensable to a healthy economic system. The attempts at planning an economy that mark socialist theory and practice simply do not work, and Von Mises deserves the major credit for demonstrating by his irrefutable arguments the ineffectiveness of socialist economics.

Mr. President, it is one of the ironies of our times that the name of Ludwig von Mises is relatively unknown to the general public. In an age when the eccentric economic theories of pop-economists like John Kenneth Galbraith are taken seriously and receive front-page publicity, a real genius like Von Mises is relegated to the back pages.

Mr. President, I ask unanimous consent that the following articles be printed in the RECORD:

"Ludwig von Mises: in Memoriam," William H. Peterson, the Wall Street Journal, October 12, 1973.

"Ludwig von Mises, Economist, Author and Teacher, Dies at 92," Leonard Silk, the New York Times, October 11, 1973.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 12, 1973]

#### LUDWIG VON MISES: IN MEMORIAM

(By William H. Peterson)

A generation of students at New York University's graduate business school who took the economics courses of Ludwig von Mises remember a gentle, diminutive, soft-spoken, white-haired European scholar—with a mind like steel.

Professor von Mises, who died Wednesday at the age of 92, was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

All this was subsumed under the title of his 900-page magnum opus, "Human Action," first published in 1949. Mr. von Mises, a total anti-totalitarian and Distinguished Fellow of the American Economic Association, was professor of political economy at New York University for a quarter-century, retiring in 1969. Before that he had a professorship at the Graduate Institute of International Studies in Geneva. And before Geneva he had long been a professor at the University of Vienna—a professorship which the oncoming Nazi "Anschluss" take-over of Austria, understandably, terminated.

Among his students in Vienna were Gottfried Haberler, Friedrich Hayek, Fritz Machlup, Oskar Morgenstern and Karl Popper who were to become scholars of world renown in their own right.

Starting right after World War II, Mr. von Mises gave three courses at NYU: Socialism and the Profit System, Government Control and the Profit System, and Seminar in Economic Theory. In each course he carefully established the primacy of freedom in the marketplace. He stated that the unhampered pricing mechanism, ever pulling supply and demand toward equilibrium but never quite reaching it, is the key to resource optimization and, indirectly, to a free and creative society.

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies: capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

#### A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionist government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is

made for violent prevention and suppression of antisocial action on the part of refractory individuals and groups of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., noncoerced—individual choice is the key to personal and social development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preferences in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

The problem, as Mr. Hayek later pointed out, is of the use of knowledge in society. A central planning board cannot obtain the knowledge of the decentralized market. To do so ultimately would be to require the central planning board to know as much as each human actor. Thus this knowledge is far beyond the reach of any centralized agency, even with the aid of computers.

Some years afterwards, Oskar Lange, then of the University of California and later chief economic planner of Poland's Politburo, recognized the challenge of the von Mises critique on Socialist economic calculation. So he in turn challenged the Socialists to somehow devise a resource allocative system to duplicate the efficiency of market allocation. He even proposed a statue in honor of Mr. von Mises to acknowledge the invaluable service the leader of the Austrian School had presumably rendered to the cause of socialism in directing attention to this as yet unsolved question in Socialist theory. The statue has yet to be erected in Warsaw's main square.

But probably to Mr. von Mises the more immediate economic threat to the West was not so much external communism as internal interventionism—government ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price supports, from pushing minimum wages up to forcing



interest rates down, from vigorously expanding credit to contracting, however, inadvertently, capital formation.

As in socialism, interventionism also incurs the problem of economic calculation, of denial of consumer sovereignty. In his "Bureaucracy," he held that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of the consumers."

On the other hand, he maintained, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion of its usefulness." He concluded, therefore, "the problem of bureaucratic management is precisely the absence of such a method of calculation." Indeed, interventionism, he maintained, usually achieves results precisely opposite to those intended: subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

So, citing German interventionist experience of the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held so-called middle-of-the-road policies sooner or later lead to some form of collectivism, whether of the Socialist, Fascist or Communist mold.

#### INTERVENTION BREEDS INTERVENTION

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad. What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence becomes inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. von Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and untimely stagnation. Further, it results in the swelling of the public sector and shrinking of the private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market.

He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

[From the New York Times, Oct. 11, 1973]  
LUDWIG VON MISES, ECONOMIST, AUTHOR AND TEACHER, DIES AT 92—CHAMPION OF THE LIBERTARIAN VIEW DEVELOPED THEORY OF SUBJECTIVE VALUE

(By Leonard Silk)

Ludwig von Mises, one of the foremost economists of this century, died yesterday in St. Vincent's Hospital at the age of 92. He lived at 777 West End Avenue.

Professor von Mises was best known in this country as a champion of libertarian economics—the doctrine that regards with intense suspicion any intervention in the economy by government. He was recognized as a brilliant contributor to economic thought not only by his disciples but also by many who disagreed radically with his political and social philosophy, such as the outstanding socialist economist, Oskar Lange.

He acquired his first recognition for his "Theory of Money and Credit," published in German in 1912. In that work he was the first to develop the theory of subjective value to explain the demand for cash balances as a basis for expansions and contractions in economic activity.

Stressing the casual role of individual human decisions, Professor von Mises observed that changes in the amount of cash individuals want to hold would cause expansions and contractions in the volume of money and credit.

#### DEVELOPED CYCLICAL VIEW

He went on to develop a complete theory of the business cycle resulting from the expansion and contraction of the money supply. Booms, he said, resulted from the expansion of fiduciary bank credit, which inflated the money supply and artificially lowered interest rates. This in turn led to over-investment, which set the economy up for a slump. Depression would follow as the expansion of the money supply was brought to a halt—either because the banking system encountered a limit of reserves or because the monetary authorities clamped down on further credit expansion.

In 1922, Professor von Mises set forth his critique of collectivist economics in "Socialism: An Economic and Sociological Analysis." The work was to have a major impact on socialist thinking.

He presented the challenging argument that rational economic organization was logically impossible in the absence of free markets. Hence, he contended, socialism was bound to wallow in inefficiency, because it lacked correct market prices on which to base decisions about what to produce and how to produce it.

Although they regarded his views as too extreme, such socialist economists as Oskar Lange in Poland and Abba P. Lerner in Eng-

land took von Mises' strictures seriously, and set out to construct a theory of socialism based on simulated markets—"playing the game of competition." Professor Lange, who spent some years at the University of Chicago and returned to Communist Poland after World War II, once declared that "in front of every Socialist ministry of planning there should be a statue of Ludwig von Mises."

It was not until the nineteen-sixties that the Soviet Union and other Communist countries began to take seriously the need for developing the market as a tool for rational planning and allocation of goods and resources.

Professor von Mises, however, regarded such socialist efforts at imitating the market—"planning not to plan"—as doomed to failure. "Unfortunately," he wrote, "it is not possible to divorce the market . . . from the working of a society which is based on private property in the means of production." Without the striving of entrepreneurs for profit, of landlords for rent, of capitalists for interest and of workers for wages, the system could not succeed, he contended.

#### A BRILLIANT TEACHER

The economist was regarded as a brilliant teacher. His students, at the University of Vienna and in his informal Wiener Kreis, Vienna circle, numbered many who were to go on to fame of their own as economists and philosophers. His students included Fritz Machlup, Gottfried von Haberler, Friedrich Hayek, Gerhard Tintner, Oskar Morganstern, Rudolf Carnay, and Karl Popper.

Professor von Mises was credited with helping to revive respect for free-market economics in Europe (he was considered by some the intellectual godfather of the German postwar "economic miracle." His views are held in high regard at the American capital of libertarian economics, the University of Chicago, whose most famous resident scholar is Prof. Milton Friedman.

The economist was born in Lemberg, Austria, on Sept. 29, 1881. He left his professorship at the University of Vienna as the Nazi tide approached Austria, and became Professor of International Economic Relations at the Graduate Institute of International Studies in Geneva. He came to the United States in 1940 and became a citizen in 1946. He was a founder of the Mount Pelerin Society, a group of like-minded economists, a member of the faculty of New York University from 1945 to 1969 and the author of 19 books.

Surviving is his widow, Margit.

The service will be held at noon Tuesday in the Universal Funeral Chapel, Lexington Avenue and 52d Street.

#### ATTENDANCE OF NONPUBLIC SCHOOLS

Mr. PELL. Mr. President, I was very struck by the attached table prepared by the U.S. Catholic Conference in behalf of itself and in behalf of the Council of the American Private Education concerning the decline in attendance of nonpublic schools over a short period of years and also the relative standing of the various nonpublic school enrollment by regions.

Thinking that these tables might be of interest to my colleagues, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—TOTAL ENROLLMENT IN NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS, AND NONPUBLIC AS PERCENT OF TOTAL, BY REGION AND STATE: UNITED STATES, 1965-66 AND 1970-71

	1965-66 <sup>1</sup>			1970-71		
	All enrollment	In nonpublic schools	Non-public as percent of total	All enrollment <sup>2</sup>	In nonpublic schools	Non-public as percent of total
Total United States.....	48,448,276	6,304,772	13.0	51,047,429	5,144,058	10.1
New England.....	2,700,747	515,331	19.1	2,928,088	403,524	13.8
Connecticut.....	699,047	124,249	17.8	769,911	107,706	14.0
Maine.....	253,705	31,199	12.3	264,184	19,514	7.4
Massachusetts.....	1,277,044	256,544	20.1	1,367,170	199,457	14.6
New Hampshire.....	164,500	35,643	21.7	186,336	27,580	14.8
Rhode Island.....	205,392	50,891	24.8	225,213	37,123	16.5
Vermont.....	101,059	16,805	16.6	115,274	12,144	10.5
Midwest.....	9,697,851	2,016,157	20.8	10,183,849	1,672,040	16.4
Delaware.....	128,891	20,534	15.9	151,353	18,608	12.3
District of Columbia.....	167,098	23,082	13.8	168,316	22,612	13.4
Maryland.....	901,192	138,545	15.4	1,032,859	116,615	11.3
New Jersey.....	1,614,225	328,225	20.3	1,745,056	263,056	15.1
New York.....	4,095,275	904,430	22.1	4,226,607	749,591	17.7
Pennsylvania.....	2,791,170	601,341	21.5	2,859,668	501,558	17.5
Great Lakes.....	10,019,350	1,702,728	17.0	10,522,312	1,334,140	12.7
Illinois.....	2,640,883	553,194	20.9	2,802,563	445,927	15.9
Indiana.....	1,266,461	141,737	11.2	1,339,500	108,042	8.1
Michigan.....	2,238,730	353,730	15.8	2,447,558	266,859	10.9
Ohio.....	2,651,679	381,571	14.4	2,747,257	321,614	11.7
Wisconsin.....	1,131,597	272,496	24.1	1,185,434	191,698	16.2
Plains.....	4,124,982	587,856	14.2	4,174,623	399,467	9.6
Iowa.....	725,312	99,954	13.8	731,491	71,387	9.8
Kansas.....	558,207	51,249	9.2	547,458	35,150	6.4
Minnesota.....	971,506	163,299	16.8	1,038,533	117,694	11.3
Missouri.....	1,140,614	176,263	15.5	1,145,886	106,409	9.3
Nebraska.....	377,958	59,212	15.7	373,830	44,720	12.0
North Dakota.....	168,205	19,334	11.5	158,985	11,972	7.5
South Dakota.....	184,180	18,545	10.1	178,440	12,135	6.8
Southeast.....	10,293,758	576,680	5.6	10,753,651	656,199	6.1
Alabama.....	862,051	30,350	3.5	859,935	54,730	6.4
Arkansas.....	464,483	13,252	2.9	475,505	12,185	2.6
Florida.....	1,314,962	94,381	7.2	1,540,425	112,529	7.3
Georgia.....	1,084,233	29,147	2.7	1,131,579	32,678	2.9
Kentucky.....	758,474	93,428	12.3	780,213	63,008	8.1
Louisiana.....	945,414	142,822	15.1	984,222	141,857	14.4
Mississippi.....	606,150	21,521	3.6	601,688	67,293	11.2
North Carolina.....	1,204,161	22,603	1.9	1,220,866	28,679	2.3
South Carolina.....	654,414	16,424	2.5	668,811	31,011	4.6
Tennessee.....	907,165	35,167	3.9	934,584	34,691	3.7
Virginia.....	1,049,007	62,884	6.0	1,144,548	65,794	5.7
West Virginia.....	443,244	14,701	3.3	411,275	11,744	2.9
Southwest.....	3,981,549	238,742	6.0	4,368,895	181,143	4.1
Arizona.....	408,237	34,578	8.5	470,925	31,401	6.7
New Mexico.....	292,287	24,587	8.4	295,209	13,837	4.7
Oklahoma.....	602,658	18,552	3.1	639,521	12,565	2.0
Texas.....	2,678,367	161,025	6.0	2,963,240	123,340	4.2
Rocky Mountains.....	1,283,977	84,020	6.5	1,359,903	35,910	4.4
Colorado.....	532,102	45,318	8.5	585,628	35,568	6.1
Idaho.....	183,007	9,311	5.1	188,504	6,171	3.3
Montana.....	185,858	19,093	10.3	187,889	11,177	5.9
Utah.....	292,643	6,239	2.1	308,731	4,729	1.5
Wyoming.....	90,367	4,059	4.5	89,151	2,265	2.5
Far West.....	6,345,062	583,258	9.2	6,756,108	437,635	6.5
Alaska.....	62,186	2,459	4.0	80,402	557	.7
California.....	4,713,328	451,328	9.6	4,973,403	340,205	6.8
Hawaii.....	192,170	29,970	15.6	202,417	21,776	10.8
Nevada.....	110,765	4,813	4.3	130,519	2,969	2.3
Oregon.....	483,924	35,397	7.3	505,427	25,900	5.1
Washington.....	782,689	59,291	7.6	863,940	46,228	5.4

<sup>1</sup> U.S. Department of Health, Education, and Welfare, Office of Education, "Statistics of Nonpublic Elementary and Secondary Schools, 1965-66."

<sup>2</sup> Public school enrollment from U.S. Department of Health, Education, and Welfare, Office of Education, "Statistics of Public Schools, Fall 1970."

TABLE II.—NONPUBLIC SCHOOL ENROLLMENTS, BY RELIGIOUS AFFILIATION, 1960-62 TO 1970-71

	1960-62	1965-66	1970-71
Roman Catholic.....	5,120,932	5,481,325	4,134,299
Lutheran.....	151,476	188,521	200,914
Seventh Day Adventists.....	58,048	62,603	53,527
Jewish.....	39,830	52,589	65,335
Protestant Episcopal.....	30,516	48,582	73,393
Christian Reformed.....	39,964	42,275	29,486
Baptist.....	16,574	25,189	35,098
Friends.....	8,814	10,572	13,784
Methodist.....	4,882	5,622	10,760
Presbyterian.....	4,335	4,766	7,489
Other.....	21,158	41,458	52,299
Total church-related.....	5,496,529	5,963,502	4,676,384
Not church-related.....	239,951	341,270	467,674
Total nonpublic.....	5,736,480	6,304,772	5,144,058

Note: All of these figures are taken from National Center for Educational Statistics (USOE) publications. Nonpublic elementary school figures were gathered for 1960-61; secondary school figures for 1961-62. For 1965-66 and 1970-71, however, elementary and secondary data was gathered simultaneously.

## HEALTH CARE

Mr. DOMENICI. Mr. President, on September 17, I sent a mailing to more than 2,000 medical doctors, dentists, optometrists, and osteopaths in New Mexico.

The mailing contained some comments of mine on the shortage of doctors in the Nation and the State, and specifically asked the recipients to comment on two bills—S. 2248, to provide for mobile health units, and S. 1550, to provide tax credits for practitioners who set up an office in areas which are medically underserved.

More than 6.5 percent of those who got the mailing responded. Many of them took time from their busy lives to give me extensive observations based on their own experience, some of it lengthy and outstanding.

It is in no way true that the opinions expressed represent so statistically acceptable a sample that we may generalize from them to say what the State's medical community's views are. But because I found them immensely interesting, I ask my staff to summarize them in the form of a report.

Let me note, before addressing myself to their observations, that there were frequent references to the work of the medical school at the University of New Mexico and its need for both Federal and State funding in helping fight a shortage of medical personnel. I am, of course, aware of the work of the medical school and, as I think I have made clear, solidly committed to its support. I thank all those who took the time to call attention to its needs.

Finally, by way of introduction, let me point out that, despite all jokes about physicians' handwriting, only one doctor out of all those who wrote had a signature which proved totally illegible. This may, for all I know, have set a new record in this matter.

### IS THERE A SHORTAGE OF MEDICAL PERSONNEL?

It was clearly the consensus of the group that the word "shortage" is a misnomer and that, on this point, we should discuss rather a maldistribution of medically trained people in America.

Despite the fact that one physician discussed his worries about an oversupply of doctors and several others spoke of oversupplies in certain specialties, respondents almost unanimously agreed that many areas, principally rural ones and some low-income sections of larger cities, are poorly served.

But additional points were also made, such as the question of whether or not those of us who comment on the problem are doing a disservice by the use of such adjectives as "critical," which we sometimes apply to it. The point here was that we probably do not have statistics which are totally revealing, especially of patient loads, even where we have accurate counts of medical personnel.

Some figures the doctors pointed out to me are very dramatic, however. When Dr. William Wiese of the University of New Mexico medical faculty issued his report entitled "Distribution of Medical Doctors in New Mexico" in May 1973, it showed that Bernalillo and Santa Fe counties had more than one physician for every 500 persons, while 15 other counties—out of 32—had less than one for every 1,500 residents. At that time, two counties, Guadalupe and Harding, had no physicians at all. As one man, a former president of the State medical society, points out, "There would be no shortage of physicians if the distribution were equitable."

But what do "shortage" and "maldistribution" actually mean? Do we need one practitioner for every 1,000 residents,



or for 1,500, or for 2,000? And how do we credit the health-support personnel when arriving at such a measure? These are questions which must be answered if we are to discuss the issue intelligently.

As for reasons why medical people tend to congregate in more populous areas, many were given. Despite one man's warning that we should not generalize—that reasons in Hawaii may be very different from those in Idaho or New Mexico—certain reasons were cited so frequently as to allow us to see this pattern.

#### THE NATURE OF RURAL AREAS

Small towns offer few cultural or educational advantages and sometimes not even intellectual companionship. Hence they do not appeal to highly educated individuals—or to their wives—one dentist put what was a recurring theme in many letters like this:

It has been my observation that one unhappy, big-city-oriented wife can override any bill you want to pass.

Another doctor said the 2 years he spent as a general practitioner in a town of 500 people were "the most dismal years of my life."

Several letters also used an ad hominem argument, which went like this: If you are so much for serving rural areas, why did you not set up your legal practice there? It is a legitimate question, and it does at least have the merit of setting the issue in a dramatic context.

#### THE NATURE OF RURAL PRACTICE

Again and again there were references in these comments to a lack of the kind of support facilities modern medicine seems to need in less populated areas—host of ancillary services which seem to be necessary.

In addition, there were other pleas: the rural doctor is on call for 24 hours of every day; he has no prestige, even with his patients, and becomes a kind of "first aid man," as one doctor put it, who takes care of emergencies and loses his patients to the big towns when they need real help. There were also some references, though they were not overly numerous, to the problem of lower income in rural areas, at least on a long-time basis.

Finally, there was a sprinkling of comments like these. The people who get into med schools are from richer families and more populous areas; they would not be happy making less money in the country. Several people tied this to the lack of openings in medical education and some to the high entrance requirements in such schools. Additionally, some remarked somewhat sharply about the effect of over-specialization on the problem; one person even said it went on "without any reference to social needs."

#### WOULD MOBILE MEDICAL UNITS HELP TO SOLVE THE PROBLEM

More of those responding thought this was a good idea than were opposed to it. But even many of those who are for it expressed reservations in their support; their attitude could be summarized as "Yes, but—"

Among those opposed, one gentleman flatly called the idea "naive," and another said it "would accomplish nothing." Most

who opposed it apparently did so on the ground that such units do not lend themselves to an ongoing doctor-patient relationship; one commentator even said they would provide only "part-time, second-rate care."—I cannot help wondering if that is not an improvement over no care.

All in all, those in favor of such units seem to feel their service would be somewhat limited—emergency service only if you were in the right place at the right time, plus well-baby and child care and identification of the chronically ill for treatment elsewhere. Others point out they would be really useful only if they were supported by permanently located health workers—not necessarily full-fledged doctors—on some sort of health corps basis.

#### SHOULD MEDICAL PERSONNEL BE GIVEN TAX BREAKS FOR PRACTICING IN UNDERSTAFFED AREAS?

Here the "vote" was much closer than on the previous question. The "yesses" had it by a slight margin, but again those in favor filed some demurrs. Principal among these was the observation that this approach aims at economics only, and since economics is not the main cause of the problem, it probably cannot be the main cure. One respondent also pointed out that such an arrangement might aid in convincing people to set up such practices but it would not help convince people they should stay in the area.

As for those opposed to the idea, some called it unrealistic—"naive" was used once again—and others felt it was unnecessary. One man felt doctors make enough money and do not need this kind of help—a view I doubt if all his conferees share. Another said they get enough tax help already, and one Roswell physician got back to basic economics; he said the free market is the only solution to the whole problem.

#### ARE THERE OTHER THINGS WHICH SHOULD BE CONSIDERED AS SOLUTIONS TO THE MALDISTRIBUTION PROBLEM?

Of the many suggestions I received, the groupings would seem to go like this.

First. Supply and demand will take care of the problem in time, especially if we adopt some form of universal licensing and develop meaningful information on where oversupply and undersupply really exist. Small communities, which are often unduly "soft" in their approach must speak up, even to conducting some "hard sell" on doctors at the intern and residency levels.

Second. We need a genuine overall health planning mechanism, not the regionalized and inchoate one we have now. Not until we have such a mechanism in operation can we, for example, make full use of hospital beds, instead of having some stand idle while other facilities are overused and overworked.

Third. There is probably a need for Federal funding of all sorts of ancillary services in under-doctored areas. We should study such solutions as satellite hospitals and centralized clinics, as well as an increased use of paramedical personnel at all levels where this is practical.

Fourth. The whole question of the application of improved transportation as

it applies to medicine must be tested in some detail. This includes both sides of the issue—do we bring medical service to patients by such means, or do we bring patients to medical service? Besides the use of helicopters, suggested by many observers, one physician prescribed STOL aircraft, such as the DeHavilland Otter, as of maximum utility.

Fifth. A somewhat surprisingly large number of respondents said some sort or another of compulsion must be applied. Their suggestions included a compulsory period of primary practice before final licensing, probably rotating such physicians and others on something like a 2-year basis in undersupplied communities. Large numbers spoke of a National Health Service as an alternative and one even suggested a two-tier level of medical service like that used with some success in some foreign countries.

Sixth. There were a few other long-view suggestions, such as a full-scale attempt at preventative medicine, supported by all the "selling" and publicizing talent of which the country is capable.

I cannot close without observing that the results of my mailing contain numerous fruitful ideas and observations—many more than I would have had a right to expect.

I am grateful to the busy men and women who took time to give me their observations, all of them based on the intimate knowledge which can really come only from participation in a field.

Mr. President, these suggestions are various, which I suppose indicated at least two things: that medical people are as multifarious as those in any other area of endeavor; and that, once again, as in so many other problem areas, there are no obviously "right" and "wrong" solutions and no easy answers.

#### DRUG ABUSE PREVENTION WEEK 1973

Mr. SYMINGTON. Mr. President, during the past decade, our country has witnessed an alarming increase in the use of harmful, illicit drugs. Estimates place the annual costs of drug addiction at \$4.7 billion in crime, law enforcement, treatment, and rehabilitation. However, there is a far greater toll exacted in human loss and suffering.

The harsh consequences of drug abuse are impossible to measure, but almost every community across our land has been victimized at one time or another by the dreadful realities of this problem.

Great strides have been made in curbing rampant drug abuse, but we have not yet reached the end of the road to complete eradication of the Nation's drug problem. This past week was designated "Drug Abuse Prevention Week 1973." It is a fitting opportunity to call attention to the cooperative drug prevention effort which is being carried out by the President's Special Action Office for Drug Abuse Prevention and the State of Missouri Office of Alcoholism and Drug Abuse programs.

As a national cosponsor of Drug Abuse Prevention Week, the Special Action Office is introducing a new theme in the fight against drugs. Emphasis is

being shifted from "scare tactics" to the role of people—people who through caring, personal interaction, and concern for the problems of each other can work effectively in preventing drug abuse.

In Missouri, the Office of Alcoholism and Drug Abuse programs, with the assistance of the Missouri Mental Health Association, will carry the important message of Drug Abuse Week to community organizations, State and local officials, schools, police, and to individual citizens.

We are hopeful that Drug Abuse Prevention Week not only will be a capstone of our accomplishments during the past year, but the start of renewed initiatives for the future fight against drug abuse.

Cooperation in government must be accompanied by cooperation and commitment by individual citizens. Drug abuse is a problem of very serious dimensions, but it is not unconquerable. We can join together in preventing drug abuse by assuming greater responsibility for the needs and difficulties of each other.

#### AFFIRMATIVE ACTION

Mr. BUCKLEY. Mr. President, a recent issue of National Journal Reports contained an excellent article concerning the problems of implementing—indeed, of understanding—the Federal Government's affirmative action and nondiscrimination programs. This article gives both sides of the issue and I think it is one of the most balanced, informative and useful summaries of this controversial area that I have seen.

On May 22, 1973, I placed in the RECORD my own views concerning what I felt to be the basic errors of the affirmative action program as it was being implemented in our universities and colleges. The National Journal Reports article to which I refer suggests that there are attempts being made to at least have a unified policy among the various agencies charged, in one way or another, with implementing affirmative action programs. I must say that after reading this article, I am more convinced than ever that goals and timetables are not the tools to use in order to bring about equality of opportunities. I notice that this view is shared by many in the academic area, as well as in labor unions and among certain ethnic minority groups as well.

Mr. President, I ask unanimous consent that this article, "Employment Report/Agency Differences Persist Over Goals and Timetables in Nondiscrimination Plans," be printed in the RECORD. I also ask that the article, "Goals and Timetables in Academic Hiring—A Debate at Political Scientists' Meetings," be printed in the RECORD. This is a supplement to the National Journal Reports article and outlines the basic disagreements among those involved with affirmative action programs at the university level.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

#### EMPLOYMENT REPORT/AGENCY DIFFERENCES PERSIST OVER GOALS AND TIMETABLES IN NONDISCRIMINATION PLANS

(By Michael J. Malbin)

One cynical view in Washington holds charged with administering one policy, if it is certain to deteriorate into five or more different policies.

Federal attempts to end job discrimination tend to confirm this point of view.

Despite a recent interagency effort to coordinate federal policy in this field, individual departments continue to put their own interpretations on critical aspects of the over-all effort, leading to what one Justice Department official called an "intolerable situation" in which employers do not know who speaks for the federal government.

The interagency agreement outlined the general thrust of the job-discrimination effort, defining the difference between affirmative action and reverse discrimination, and describing the obligations of all employers, public and private.

#### AFFIRMATIVE ACTION

Virtually every federal department has a hand in enforcing nondiscrimination in hiring.

Both law and executive order forbid employers of more than 15 persons, and all labor unions, to give preference to any job candidate because of race, religion, sex or national origin. In addition, if there is reason to believe the employer discriminated in the past, the employer will be required to correct the effects of his past discrimination by taking such affirmative steps as may be necessary.

Normally, an agency will ask an employer to come up with an "affirmative-action plan" outlining the steps the employer intends to take to overcome the effects of past discrimination. These plans generally will be required to contain goals and timetables, indicating the number of persons in "underutilized" categories the employer expects to hire within a specified length of time.

The general principle of nondiscriminatory hiring, while often resisted in practice, has provoked virtually no public opposition. The elaboration of that principle, directing affirmative steps to overcome past discrimination, is far more controversial.

Labor unions, business groups, Jewish organizations and groups of university professors have been the strongest opponents of goals and timetables, branding them unworkable cures that inevitably lead to the imposition of illegal hiring quotas. Women's groups, black civil rights organizations, the Americans for Democratic Action and the American Civil Liberties Union have supported them, calling an essential part of the overall enforcement effort.

#### VARIATION

Both the intensity of the interest-group controversy and the intrinsic difficulties involved in understanding federal policy have been responsible for a great deal of variation in affirmative-action policy across federal agencies. Two of the most controversial problems leading to the greatest variation have had to do with goals and quotas on the one hand, and the status of merit systems of hiring on the other.

Does the formulation of a goal and timetable oblige an employer to hire on the basis of race, sex, religion or national origin to fulfill the goal? Federal agents have maintained that it does not, but critics question this.

Even if the policy does no more than force employers to rely on true standards of merit, as the government claims, how does one define an objective standard of merit—especially when minorities typically fail many forms of written tests at a higher rate than the population as a whole?

These two questions represent the thorn-

iest and most controversial of the issues relating to job discrimination. Because different agencies answer the questions in different ways, there has been much confusion over what is the "official" government answer.

#### COORDINATING COUNCIL

It was to alleviate this difficulty that the Equal Employment Opportunity Coordinating Council was formed in March 1972.

Congress created the council in the Equal Employment Opportunity Act of 1972 (86 Stat 103), as part of a compromise designed to retain Labor Department and Civil Service Commission authority over job discrimination. (For a report on congressional deliberations over this act, see Vol. 3, No. 46, p. 2249).

Civil rights groups, led by the National Association for the Advancement of Colored People (NAACP), wanted to take the Office of Federal Contract Compliance (OFCC)—which coordinates enforcement of nondiscrimination for all government contractors—out of the Labor Department and place it in the Equal Employment Opportunity Commission (EEOC). The NAACP also wanted to take jurisdiction for state and local government merit-system hiring away from the Civil Service Commission and give it to the EEOC.

#### COMPROMISE

Clarence M. Mitchell of the NAACP described what happened.

"We felt," Mitchell said in an interview, "that you could not get things coordinated very well if EEOC is going one way and OFCC is going another. We also thought that the Civil Service Commission has been so inept and so difficult in these employment problems that it, too, should not have jurisdiction over racial discrimination cases, but that it, too, should be under EEOC."

"Well, needless to say, OFCC lobbied very strongly against having the EEOC in charge of all these things. Finally, after a lot of negotiations, Senator Javits (Jacob K. Javits, R-N.Y.) thought that the way to keep everybody reasonably happy while achieving some level of coordination would be to form this coordinating council."

#### GUIDELINES

The coordinating council, which has no staff of its own, is made up of the Attorney General, the Secretary of Labor and the chairmen of the EEOC, the Civil Service Commission and the Commission on Civil Rights.

The most important issue the council has dealt with formally has been that of merit-system testing. The testing guidelines have not yet been published in the *Federal Register*, but they were issued for informal comment in the first week of September, and may become official policy within a few months.

In addition, the four operating agencies in the council—Justice, OFCC, EEOC and Civil Service—issued a paper on goals and quotas in March 1973. The agreement was not formally a council product, although it was meant to coordinate federal policy on the goals-and-quotas issue.

#### GOALS AND TIMETABLES

Goals and timetables can be required in at least three different kinds of situations:

Contract-compliance agencies require them as parts of affirmative action plans for ending discrimination.

EEOC asks employers to include them in any agreement reached through conciliation.

Both EEOC and the Justice Department can ask courts to impose them as a remedy required by Title VII of the 1964 Civil Rights Act (78 Stat 241), as amended by the 1972 Equal Employment Opportunity Act (86 Stat 103).

The situation of colleges and universities illustrate all three of these possibilities, as does the situation of most federal contractors.



As a government contractor, a university is required to submit an affirmative-action plan to the HEW Department, which is the individual contract-compliance agency operating under the authority of OFCC. Before 1972, this was the only way the federal government could reach job discrimination in academies, since the 1964 Civil Rights Act specifically exempted institutions of higher education, as well as agencies of state and local government. With the removal of these exemptions in 1972, EEOC and Justice now share jurisdiction in this field with HEW.

#### DIVISION OF AUTHORITY

The directives governing contract compliance contain the fullest discussion of the use of goals and timetables. In part this is because EEOC and the Justice Department both derive their authority from Title VII, which does not call explicitly for goals or timetables. Some have even argued that Title VII is inconsistent with the use of goals and timetables. As a result EEOC and the Justice Department are limited to proposing goals and timetables as a remedy to be considered on a case-by-case basis after a prima facie case of discrimination has been established.

The contract-compliance agencies, in contrast, do not derive their authority from the Civil Rights Act, but from a series of executive orders and Labor Department orders stemming from the government's general power to establish conditions for federal contractors in the name of efficiency.

Thus, President Johnson's Executive Order 11246—which in 1965 required federal contractors to "take affirmative action to ensure that applicants are employed, and that employees are treated during their employment without regard to their race, color, religion or national origin"—was based on the President's power as chief executive to set terms for contractors. (ExecOrder 11246 was amended by ExecOrder 11375 in 1967 to include sex as a prohibited basis of discrimination.)

Because contract compliance rests on this independent authority, the government has been able to require all federal contractors to take "affirmative action" whether or not discrimination was proved against them. What "affirmative action" meant was not clear, however. President Johnson said that it included, but should not be limited to, affirmative steps in hiring, recruiting, advertising, training and salary raises.

The Nixon Administration took an important step, in concept if not in practice, in June 1969, when it announced the Philadelphia Plan, which for the first time included numerical hiring goals for minorities working in the construction trades in Philadelphia. (For more on the Philadelphia Plan, see Vol. 2, No. 3, p. 130.) Labor Secretary (1969-70) George P. Shultz followed this up in January 1970 by issuing Order No. 4, which was supplanted by Revised Order No. 4 in December 1971.

#### ANALYSIS

The revised order requires all federal contractors with more than 50 employees and more than \$50,000 in federal contracts to submit a detailed affirmative-action plan to the Office of Federal Contract Compliance as a condition for retaining federal contracts. These plans consist of two main parts. The first is a survey of the contractor's current workforce to determine whether the contractor is "underutilizing" women, blacks, persons with Spanish surnames, persons of Oriental ancestry or American Indians in any of its job classifications. If any such underutilization is discovered, the contractor then must establish goals by sex and race, indicating the number of persons in each category the contractor should be employing in each job classification, and stating a timetable for reaching that numerical goal. Unlike the situation in Title VII cases, these goals and timetables must be established to correct

underutilization, whether or not that underutilization results from intentional discrimination. Failure to produce goals and timetables may mean cancellation of all federal contracts for the contractor.

A sex or race is said to be underutilized if it is employed in numbers significantly smaller than would be expected if the employer hired persons from the available workforce in a random, nondiscriminatory way. Thus, if 30 per cent of the qualified or readily qualifiable bricklayers in a particular metropolitan area are black, while only 5 per cent of a contractor's bricklayers are black, that contractor would be underutilizing the workforce of readily available black bricklayers by a factor of 25 per cent.

Each contractor is expected to do this "utilization analysis" on his own. This in turn means that the contractor must do his own estimate of availability for each subgroup in each job classification. "Availability" refers to the number of persons available for work in a given job. To estimate this, it is necessary to know something about skills levels for each subgroup, unemployment rates, population and transportation patterns within each metropolitan area, the existence of training institutes in the area and the degree of on-the-job training possible for each job classification.

Figures on availability must necessarily vary among the job classifications, and are in no way interchangeable with general population statistics provided by the Census Bureau. Despite this, one staff member of the Civil Rights Commission, who asked not to be identified, said that most federal agencies rely on general population statistics if the contractor has not done a complete availability analysis.

#### GOAL-AND-TIMETABLE ISSUE

Once underutilization has been pinpointed, the contractor must establish a goal—a numerical figure representing what that contractor takes to be a proper level of utilization. In addition, the contractor must establish a timetable containing interim goals, indicating the rate at which the contractor expects to reach a level of proper utilization, given the availability of people in the workforce, and the expected turnover rate on the job.

#### QUESTIONS

The implementation of these goals and timetables has led a number of critics to raise several serious questions about them. When the contract-compliance agency requires a contractor to formulate a goal, does this mean that it then wants the contractor to hire qualified persons on the basis of race or sex in order to fill the goal? Does it mean, in other words, that the contractor will be asked to fill a quota? Will the contractor who has "overutilized" white males on his present work force be required to discriminate against white male applicants to achieve a proper level of utilization? Are the goals expected to reflect the fact that contractors will not discriminate in their future hiring and recruitment, or do they mean that contractors are expected to engage in "reverse discrimination" until the over-all balance of the workforce resembles what it would have looked like had discrimination never occurred?

#### NIXON REPLY

The American Jewish Committee asked some of these questions of President Nixon and Sen. George McGovern, D-S.D., in a letter it sent during last year's Presidential election campaign. President Nixon's reply, dated Aug. 11, 1972, said: "With respect to these affirmative-action programs, I agree that numerical goals, although an important and useful tool to measure progress which remedies the effect of past discrimination, must not be allowed to be applied in such a fashion as to, in fact, result in the imposition of quotas, nor should they be predi-

cated upon or directed towards a concept of proportional representation."

#### DISAGREEMENTS

The President's reply to the American Jewish Committee was a brief one, written in the context of a campaign for reelection. It did little to provide the kinds of answers agency heads needed if they were going to work out the disagreements among themselves over what was the Administration's policy.

Typical of the kinds of disagreements existing, a staff member for the Civil Rights Commission said in an interview, were several between the Civil Service Commission and the Justice Department in 1971 and 1972. The Justice Department had been asking several district court judges for what the Civil Service Commission considered to be an explicit imposition of quota or ratio hiring. The Civil Service Commission was upset, in addition, over a decision of the Sacramento Fire Department to implement a policy of hiring one black for every four whites, whatever their relative position on a list of qualified candidates. Civil Service considered this policy to be opposed to merit standards of hiring—the 1970 Intergovernmental Personnel Act (84 Stat. 1909) gives Civil Service the job of overseeing state and local government merit systems—and it decided to bring the matter up with Leonard Garment, then the President's chief White House adviser on matters relating to civil rights.

#### FOUR-AGENCY AGREEMENT

After a great deal of negotiation with extensive White House participation, Civil Service, Justice, OFCC and EEOC agreed on a common position.

The four-agency agreement, issued on March 23, 1973, came two days after a speech in which Garment alluded to the problem of interagency disagreements at least three different times, and in which he noted that even though the agreement specifically concerned state and local government hiring, the principles were meant to extend to private employers as well.

#### GOALS VERSUS QUOTAS

The agreement states that "all agencies recognize the basic distinctions between permissible goals on the one hand and impermissible quotas on the other. . . . A quota system, applied in the employment context, would impose a fixed number or percentage which must be attained, or which cannot be exceeded; the crucial consideration would be whether the mandatory numbers of persons have been hired or promoted. . . . It would be no defense that the quota may have been unrealistic to start with, that he had insufficient vacancies, or that there were not enough qualified applicants, although he tried in good faith to obtain them through appropriate recruitment methods.

"Any system which requires that considerations of relative abilities and qualifications be subordinated to considerations of race, religion, sex or national origin in determining who is to be hired, promoted, etc., in order to achieve a certain numerical position has the attributes of a quota system which is deemed to be impermissible under the standards set forth herein.

"A goal, on the other hand, is a numerical objective, fixed realistically in terms of the number of vacancies expected, and the number of qualified applicants available in the relevant job market. Thus, if, through no fault of the employer, he has fewer vacancies than expected, he is not subject to sanction, because he is not expected to displace existing employees or to hire unneeded employees to meet his goal. Similarly, if he has demonstrated every good faith effort to include persons from the group which was the object of discrimination into the group be-

ing considered for selection, but has been unable to do so in sufficient numbers to meet his goal, he is not subject to sanction.

"Under a system of goals, therefore, an employer is never required to hire a person who does not have qualifications needed to perform the job successfully, and an employer is never required to hire such an unqualified person in preference to another candidate who is qualified; nor is an employer required to hire a less qualified person in preference to a better qualified person, provided that the qualifications used to make such relative judgments realistically measure the person's ability to do the job in question, or other jobs to which he is likely to progress. The terms 'less qualified' and 'better qualified' as used in this memorandum are not intended to distinguish among persons who are substantially equally well qualified in terms of being able to perform the job successfully. Unlike quotas, therefore, which may call for a preference for the unqualified over the qualified, or of the less qualified over the better qualified to meet the numerical requirement, a goal recognizes that persons are to be judged on individual ability, and therefore is consistent with the principles of merit hiring."

#### CRITICISMS

Not all of the critics of goals are happy with this reformulation of the issue of goals and quotas. Robert F. Sasseen, dean of the faculty at California State University, San Jose, said in an interview that even after this statement, goals remain "nothing but quotas with an escape clause."

Others have fewer questions about the four-agency statement than about its implementation. Jan Vetter of the University of California/Berkeley Law School is doing a study for the Administrative Conference of the U.S., of the HEW Department's affirmative-action guidelines as they relate to faculty hiring in higher education. Vetter said in an interview that although he had not yet reached his final conclusions for the Administrative Conference, he did wonder "how much reality" the four-agency agreement has.

"That four-agency agreement is really a manipulation of symbols," he said. "Unless somebody is out there looking to see that those words are connected to something in the real world, it does not necessarily mean anything. . . . As far as I can figure out, there are a lot of people in HEW who have never heard of this four-agency agreement, at the local level and in Washington."

#### DISSEMINATION

Sheldon E. Steinbech, staff counsel for the American Council on Education's Equal Employment Opportunity Task Force, agrees with this assessment. "The four-agency document," Steinbech said in an interview, "is a reasonably good statement of what goals and timetables are all about. The problem is: I know that document," Steinbech said in an inter- . . . the U.S. attorneys may know it exists and EEOC may know it exists. But I wonder whether the schools know it. A lot of their misconceptions about the program have not been brought about by the people you and I talk to in Washington, but by regional officers who, during the conduct of contract-compliance reviews or at other negotiations, tend to go off on frolicsome detours of their own, not stating national policy, but stating some kind of self-generated policy."

The B'nai B'rith Anti-Defamation League made similar charges in a letter sent to the Justice Department two weeks ago. David L. Rose, chief of the employment section in the department's Civil Rights Division and chairman of the staff committee for the EEO Coordinating Council, was in the process of drafting a response to this letter when

he said, in an interview, that "we sent a copy of the agreement within three or four days to every U.S. attorney. Every lawyer in this section and in the education section has it. So, every lawyer who represents this department in court has it. I understand that Civil Service put out something like 2,000, not only to its regional offices, but also to every state and local government. I'm sure that EEOC has distributed it. I know that Labor distributed them to all of the contract-compliance agencies, and I assume that each of them distributed it to their field agencies, so I believe they are very widely distributed." Rose acknowledged that there might be some problems of understanding, however. "The federal government is rather far flung. The very fact that we have a council suggests this."

#### AGENCY SURVEY

An *NJR* survey showed that, despite the agreement the four agencies still have some major differences.

One of the key problems in understanding the purpose of goals and timetables is caused by a phrase in Revised Order No. 4, which indicates that affirmative action is a "result-oriented" policy designed to ensure that more women and minorities actually are hired. As the four-agency agreement recognizes, however, there sometimes may be a tension between a result-oriented policy and nondiscriminatory hiring procedures and practices. This tension is at the heart of the differences between agency interpretations of affirmative action, rather than any clear-cut difference between goals and quotas.

#### CIVIL SERVICE

Irving Kator, assistant executive director of the Civil Service Commission, is the commission staff member serving on the EEO Coordinating Council. Kator was on vacation when the survey was taken, but James C. Scott, on his staff, presented the Civil Service Commission's point of view.

Scott tended to put more of an emphasis on process than any of the other officials surveyed—with the possible exception of Peter E. Holmes, director of HEW's Office of Civil Rights.

Scott, saying that others had not defined the notion of affirmative action as precisely as Civil Service had, supported the use of goals as indicators of an employer's progress. "But," Scott said, "goals are not the be-all and end-all of affirmative action. In fact, they are not affirmative action at all, but are merely the means of encouraging affirmative action. We have been trying to sell a definition of affirmative action which is much broader than others we have seen."

Scott argued that minority hiring can increase only "if the commitment and the resources are there on the backup programs."

One of the questions useful to point out the tension between a result-oriented program and a process-oriented program is whether or not an employer ever should use race or sex as a criterion in making hiring decisions. If two candidates for a job have roughly equal job qualifications, should the employer hire the minority or female candidate because of the candidate's race or sex, as a way of redressing an imbalance in his workforce that might have been caused by past discrimination?

Scott said that "a selecting official should have some flexibility in hiring, but he may not use race or sex as a criterion in making his final selection."

Civil rights and women's rights organizations argue in response that if employers use color-blind or sex-blind hiring criteria now, after not having used them in the past, they will simply perpetuate the existing imbalance, making it impossible for minorities or women to catch up in any reasonable length of time. For this reason, they are willing to

use race and sex as hiring criteria—and thus risk charges of reverse discrimination—to redress the balance, and bring the composition of the work force to where it would have been had discrimination never occurred.

Scott thinks this is unrealistic. Speaking more of minorities than of women, Scott said, "I personally don't believe minorities can expect to catch up in the employment situation until they also catch up in other areas which affect their employability, such as education and past employment service. A lot of elements in society have to come along. This has to be looked at in a total context. It has been happening. Blacks, for example, have been increasing their college enrollment. More and more women are going into occupational areas formerly considered male. Things are changing, but it is a gradual process. I don't see any overnight changes in the employment picture."

"A lot of people are looking for short cuts, but short cuts won't work. If you short cut the idea of goals too much, leaving out the backup, they become quotas."

#### JUSTICE DEPARTMENT

J. Stanley Pottinger, assistant attorney general for civil rights since January 1973, worked under Attorney General Elliot L. Richardson when Richardson was HEW Secretary (1970-72). Pottinger was director of HEW's Office of Civil Rights. At HEW, Pottinger replaced Leon E. Panetta, who resigned in February 1970 in a dispute with President Nixon over the use of busing to achieve racial balance in schools. It was under Pottinger that HEW first began to enforce the requirements of Revised Order No. 4 against institutions of higher education.

#### POTTINGER

In an interview, Pottinger gave more emphasis than did Scott to the result-oriented side of affirmative-action policy. Pottinger said it would be legitimate for an employer, in trying to meet a goal, to take race into account when choosing between two qualified job candidates.

"But that needs to be expanded a little bit," he said. "The model assumes, if it is not an insensitive metaphor, that you have a bag of qualified people who have all met the minimum skills and qualifications. Maybe a better metaphor would be that they have cleared that wall or hurdle. All of them qualify. Then a truly colorblind hiring decision by an employer who is outside the wall, at the gate, with a list, who says, 'We need another worker,' would yield a proportion on the inside of black to white."

"The confusion arises because, in making sure that you are truly not letting racial effects cause you to pull only the whites out of that pool, the judge will say that over a period of time, let's say there were 30 per cent blacks on the inside of that wall, it ought to yield 30 per cent on the employment force."

"Now, how do you do that unless, someplace along the line, you're keeping track of who's coming out? It's impossible in the real world. . . . The only way you can do that is, at some point, to take account of who's coming in."

Pottinger was then asked whether he has in mind simply a matter of record keeping, or whether he thinks race should be a factor in the hiring decision itself. Random colorblind hiring, for example, can never produce the catch-up effect that many groups are asking for. Should hiring of minorities and women be speeded up to balance the workforce? And if so, would not that automatically require an employer to take race and sex into account in the actual hiring decision?

"Yes it would," Pottinger responded. "But you're not going to be permitted to take one person and discriminate on the basis of race against another person who is better quali-



fied where qualifications are relevant to job performance, or where, to do so would be on so compressed a basis that you automatically are excluding even the invitation or recruitment of whites to a job."

Pottinger then spoke of three different groups of people, each of whom would call for a different response on the question of whether or not to use race and sex consciously to produce the catch-up effect. "The first group is where you can name individuals who were discriminated against and you say that they must now move into a position where they would have been but for the discrimination. Common Anglo-Saxon contract law puts you in the same position. You get the car you would have had if you hadn't been screwed by the car dealer."

"The other extreme is a group of black men or women candidates for a position who have not as individuals been discriminated against at all. They weren't even born, let's say, 20 years ago when the policy operated. But they're there now, knocking on the door next to a white colleague, and because of an effort to recruit based on past discrimination, the company says, 'You're equally well qualified, but because you're black and you're black and you're white, I'm going to take the black.' No showing of systemic or class discrimination. That's wrong. That is reverse discrimination."

"The middle group is the group where you have a mix of both. And there's only one real-world practical way to resolve that. You have a mix of people who were actually discriminated against and you have a mix of people who were not but who, by conditions of their race and sex have historically been discriminated against. . . . Since you can't historically turn the clock back to know which are which, the judge takes some of the first group and adds a presumption that there are additional persons in the second group, and sets a goal."

#### ROSE

While Pottinger concentrated on the occasional need to take race and sex into account when making hiring decisions, David Rose, chief of the employment section in Pottinger's Civil Rights Division, spoke of the need to take race and sex into account at earlier stages of the process, precisely to avoid the need for doing so at the hiring stage.

Rose said in an interview that to ask an employer to eliminate present discriminatory hiring practices without asking anything else is not sufficient. Nor is it sufficient merely to ask employers to recruit and advertise in such a way that minorities and women will know that current practices are nondiscriminatory. In addition, employers should strive actively to redress imbalances in employee utilization caused by past discrimination. Rose said he believes that "in the abstract, it is illegal to take race into account when making individual hiring decisions." But, on the other hand, Rose said it is not illegal for an employer to take race and sex into account when he decides where to direct his recruitment efforts.

Aggressive recruitment in minority neighborhoods should help produce the desired catch-up effect, Rose argued, particularly in lower skills jobs where the high unemployment rate among young blacks should mean that there are a high number of workers available.

"If you ask whether this kind of a recruiting pattern is discriminatory, in a sense it is," he said. "You expect this kind of recruiting to produce a higher percentage of black applicants than there are blacks in the population as a whole. But, if this differential is not produced because the employer, for example, stepped up his advertising on a hillbilly radio station at the same time as he stepped up his advertising on stations

listened to by blacks, we would have to ask why the employer did that."

Numerical goals are important, Rose said, because they indicate to the minority community that the employer is serious while, at the same time they prod the employer into action. They differ from illegal quotas in that race and sex may not be factors in individual hiring decisions, but only in the establishment of recruitment and other back-up programs.

#### OFCC

Philip J. Davis, director of the Office of Federal Contract Compliance, said he believes that race or sex might be a valid criterion for an employer to consider when making individual hiring decisions. Given two roughly equal candidates, Davis said, "I would encourage the contract to give the minority applicant every consideration," rather than let the decision be made by lot.

OFCC Associate Director Robert R. Hobson said that he was pleased with the result-oriented character of Order No. 4, saying that "before Order No. 4 it was a matter of looking at techniques. Now we look at results."

On the question of the catch-up effect, Hobson said that "it's a simple fact that there has been discrimination in the past. Our purpose is to achieve a degree of utilization which would have existed had discrimination not occurred. The mere fact that a contractor is hiring in rough proportion to availability does not mean that the contractor is in compliance. It depends on the seriousness of the deficiency. You would expect the goals in many cases to be higher than the current availability in order to remedy past deficiencies."

It is not clear that the seriousness of the deficiency is the only factor at work, however. The HEW Civil Rights Office under Pottinger, for example, issued guidelines in which it said that universities should strive to eliminate the effects of past discrimination in faculty hiring within five years. This conclusion was based on little research into such factors as the expected turnover rate, availability or normal career patterns.

In contrast, the General Services Administration (GSA), acting as the contract-compliance agency for utility companies, recently accepted a plan from the Long Island Lighting Co. with a much longer anticipated catch-up period. Grant Brown, employee relations manager for the company, said that the plan was put together with the help of National Economic Research Associates, a private consulting firm, which did a study of local availability for each of the company's job categories, projected growth in availability levels, and anticipated turnover and growth rates. Based on the company's low turnover and limited growth potential, given the large backlog of people still working with the company who were hired during the high-growth period of the early 1950s, and given the continued use of what GSA considers to be a nondiscriminatory internal promotion, training and seniority system the company expects that it may take an extremely long time for women and minorities to work their way up through the ranks to reach the top levels in some of the company's job categories. For example, there probably will be virtually no woman foremen in 1983 and only 1 per cent black foremen, unless the labor situation changes within the next 10 years.

This disparity between HEW and GSA does suggest that, in addition to the seriousness of company deficiency, such factors as the seriousness of the economic research undertaken and the degree to which agency heads are concerned with results rather than process, both have an independent effect on what two different agencies working under OFCC direction may find acceptable.

Asked about this in an interview, OFCC

director Philip Davis said that "it is the OFCC's intention to have uniform and specific guidelines, but each agency deals with each individual company based on that company's own problems and past record. Our intention is uniformity, of course, and we are now working on guidelines which should alleviate the problem considerably."

#### CIVIL RIGHTS COMMISSION

The Civil Rights Commission did not participate in the formulation of the four-agency agreement, a fact that Staff Director John A. Buggs said has its advantages. "I view the role of the commission in the (EEO Coordinating) council as a little different from the other agencies' roles," Buggs said. "We, as you know, have long been the critics. I don't know how well one can function as a part of an operation and then turn around and be a critic."

Because it was not a council document, Buggs said he feels completely free to criticize the four-agency agreement. Nevertheless, he said, "I'm not too dissatisfied. There were a few problems, as I recall—it was a few months ago—that concerned me a little, so I sent it (the agreement) to the general counsel's office for comment. I would be hesitant to say what these disagreements were at the moment, however, because frankly I didn't focus on them too much, since I knew we would be asking for the general counsel's views."

The Civil Rights Commission's general counsel, John H. Powell, Jr., never did respond to Buggs' request.

#### EEOC

Powell recently was nominated by President Nixon to replace William H. Brown III as chairman of EEOC. (See Vol. 5, No. 34, p. 1265). Powell told *NJR* that he would not comment on his views until after his Senate confirmation hearings. Thus, he would not state his reaction to the four-agency agreement or provide any insight into the understanding of affirmative action he is likely to take to EEOC.

Powell did say, however, that he was the principal author of the Civil Rights Commission's February statement on affirmative action, the document against which Buggs wanted the four-agency agreement checked. Powell said that he accepts everything in that statement as his current opinion on the issue.

The Civil Rights Commission's statement on affirmative action is more result-oriented than any of the other documents or expressions of opinion encountered in this survey. On the question of whether race or sex should be used as criteria in individual hiring decisions, the commission said that "the criteria which have traditionally been used in hiring and promoting must be broadened to include consideration of minorities and women."

On this same point, the commission later said that "many subjective elements enter into the selection process. The candidate's personality, disposition, experience, apparent judgment, are just a few of the elements that always influence a selection. Unfortunately, a significant reason for the paucity of minority group persons and women in many job categories is that these subjective factors never included providing a fair share of employment opportunities to them."

"An affirmative-action plan must require some action that has not heretofore taken place, otherwise it is useless. . . . One of the requirements thereof is that in the subjective evaluations that always occur in the selection process, one factor previously excluded should now be included—a concern that a reasonable number of qualified minorities and women be hired until equity is attained."

"The best test for determining whether these aims are being achieved," the commission said at another point, "is by a re-

sults test. Whether expressed in terms of applications, hires or promotions, the results test is the best test of whether women and minorities in fact are achieving the access to equal employment opportunities required pursuant to the twin aims of affirmative action."

#### HEW

Policy at HEW has undergone some subtle changes since Casper W. Weinberger and Peter E. Holmes replaced Elliot Richardson and Stanley Pottinger, respectively.

Secretary Weinberger testified on July 30 at Joint Economic Committee hearings being conducted by Rep. Martha W. Griffiths, D-Mich., on the problems of discrimination against women. Weinberger said that too many persons speaking about affirmative action rely excessively on the numerical aspects of the goals, and get tied up in the "meta-physical issue of goals and quotas."

Holmes agreed with this in an interview, in which he said that HEW's actions as a contract-compliance agency were partly responsible for the problem.

"We are getting too caught up in the numbers game. The whole goal-setting aspect has to be a relatively minor part of the affirmative-action commitment. The focus should be changed, and it will be, to look at the entire process."

Another side of this apparent shift in emphasis emerged in response to a question about a hypothetical school willing to let HEW examine its hiring process to look for discriminatory practices, but which refused to establish numerical goals for faculty hiring because of what it claimed was the lack of sufficient data to determine the availability of qualified persons in each of the subfields in which it had an opening.

"Under current Labor Department guidelines," Holmes responded, "the goals must be established. That's troublesome to me in an example such as the one you have there. I think that in that instance, we would want to maintain as much flexibility as possible, if a university is able to demonstrate the affirmative nature of such things as its recruitment process."

In addition, Holmes said he realizes that availability of qualified candidates affects results.

"I have some concern about the actual availability of minorities and women in the labor market," he said. "There is no question about the availability of people currently working on Ph.D.s. But I think the recently published American Council on Education study, which notes that the percentage of women and minorities on faculties have not increased very much in recent years, raises serious questions about assumptions regarding the widespread availability of women and minorities, and is indicative that the problem may have more to do with discrimination in graduate programs or earlier." (For more on Holmes' views, see box on the affirmative-action panel at the American Political Science Association convention.)

#### AMBIGUITIES

One of the reasons for the persistent differences among the four agencies stems from the interrelationship of the conceptual problems involved. The formulation of goals and timetables, the length of time given for bringing the workforce up to a position where it no longer shows the effects of past discrimination, the problem of reverse discrimination, and the base used for figuring the availability of qualified workers, are all linked; no one of them can be resolved without resolving the others.

None of the persons surveyed has resolved all of these problems, and this fact is reflected in some of the criticisms made of the goals-and-timetables policy by both friends and foes of this approach.

Jan Vetter, the Berkeley Law School professor studying higher education guidelines

for the Administrative Conference, said in an interview that "the catch-up requirement seems to me necessarily to imply reverse discrimination, especially if you are talking about catching up in five years, as the HEW guidelines suggest."

Vetter's criticism is based on his estimates of the availability of qualified persons and likely faculty turnover rates in the currently depressed academic market.

Bernice Sandler, director of the Association of American Colleges' Project on the Status and Education of Women and a supporter of the goals-and-timetables approach, also connects the idea of goals with the question of availability in a criticism of HEW practice.

"HEW has not been very effective at all," Ms. Sandler said. "Their procedures really have been abominable. . . . One problem is that HEW hasn't been monitoring the goals really effectively, and they haven't explained to the institutions how they are to set goals. They haven't given availability data to the schools. You have every institution in the country looking for the same availability data, which is really wasteful of everybody's time. HEW should be doing that."

Both of these criticisms are directed at HEW, and availability may be harder to determine for jobs that require highly specialized skills than for those with more easily attained skills. Despite this, as the Civil Rights Commission stated, no agency has good availability data for any job, and almost all rely on population or highly approximate Labor Department statistics when they are dissatisfied with an employer's own availability analysis.

#### CRITICISM

Criticisms of the goals-and-timetables approach have come from labor unions, the business community, Jewish voluntary organization and academicians.

#### UNIONS

Donald S. Slaiman, director of the AFL-CIO's Office of Civil Rights, said he considers the whole goals-and-timetables approach—and the Philadelphia Plan which resulted from the approach—as "a phony."

Slaiman said that "they (Labor Department officials) speak about it having a good pressure effect, but it wasn't sound. The problem is that they haven't accepted any alternative. They are using an eclectic approach, but whatever real success there is because of the Outreach program (a program of pre-apprenticeship training for the construction trades). In reviewing any program you have to have numbers, but the use of goals and timetables is just a semantic switch for saying quotas. The real reason we don't like it is that too often it is a substitute for a real program, such as the Outreach program, which could do something."

#### BUSINESS

In a rare show of agreement with the AFL-CIO, Richard A. Berman of the Chamber of Commerce of the United States said that he thought goals and quotas were inseparable, at least in the way that the government is enforcing the goals concept at the local level. "Unless there is some overriding reason—for instance, a recalcitrant party who refuses to use good-faith efforts—our position and, I think, the business community's position, is that quotas and timetables are discriminatory of themselves," Berman said. "You really don't solve one problem by creating another. If there has been discrimination in the past, and everyone recognizes there has been, it has been the fault of everyone; but the business community is being made the scapegoat."

#### JEWISH VOLUNTARY ORGANIZATION

The major Jewish voluntary organizations, led by the Anti-Defamation League of B'nai B'rith, the American Jewish Congress and the American Jewish Committee, have been

actively concerned with what they consider to be a federal encouragement of reverse discrimination. It was largely at the instigation of the Anti-Defamation League that HEW's Civil Rights Office appointed a special ombudsman to oversee problems of reverse discrimination, while the President's letter during the 1972 campaign rejecting quotas was a response to a query from the American Jewish Committee.

The voluntary organizations met with HEW Secretary Weinberger on July 18, at which time they said that, despite the appointment of the ombudsman, "the situation is worse today than it was a year and a half ago."

Benjamin R. Epstein, president of the Anti-Defamation League, made similar charges in a letter to OFCC Director Philip Davis on July 13. Epstein said in the letter that the league is especially concerned with some implications of new guidelines OFCC is considering for contractors.

#### ACADEMIC CRITICISM

Neither the American Council on Education nor the American Association of University Professors has taken an official stand on the utility of goals and timetables.

#### STEINBECH

Nevertheless, Sheldon Steinbech, staff counsel for the American Council on Education's Equal Employment Opportunity Task Force, has reached some tentative conclusions of his own.

"I think," said Steinbech, "that the government's desire for goals and timetables really results in somewhat of an unnecessary exercise because, in part, if you could enforce a process that would ensure equal employment opportunity, you could go about your business of searching as widely as possible for candidates for a given slot without having to waste resources and time trying to figure out how many people in the country could possibly fill that slot."

"I think that as a matter of national policy, what we are looking for is equal access for all individuals to jobs. If you could assure a nondiscriminatory process, the law and the country as a whole should demand no more. One of the poor offshoots of the whole goals-and-timetables approach is that you create a pressure within the community to achieve that number, and thereby get into the whole problem of reverse discrimination."

#### TODOROVICH

One organization that has taken an official stand on this matter is the Committee on Academic Nondiscrimination and Integrity, an organization created precisely to deal with this issue, with a distinguished roster of faculty members of all races and both sexes opposed in principle to the use of goals and timetables. The committee's coordinator, City University of New York physics professor Miroslav M. Todorovich wrote in a recent memorandum that "the committee supports the concepts of non-discrimination and affirmative action outlined in the 1964 Civil Rights Act and in President Johnson's 1965 executive order dealing with employment discrimination. We feel, however, that bureaucratic actions taken to implement these statutes in the Nixon Administration . . . have gone far beyond legally permissible grounds, have treated on *ultra vires* ground (*ultra vires* is a legal term referring to actions that exceed granted authority) and have resulted in patterns of discrimination contrary to law. We believe, despite Administration protestations to the contrary, that this reverse discrimination is the direct consequence of Administration practices, rules and guidelines."

Todorovich maintains that "there are no indications that, within the institutions of higher learning, the mandatory affirmative-



action programs tailored in accordance with the requirements of Order No. 4 have achieved anything positive beyond what could have been expected from a projection of favorable trends existent before the introduction of said programs, and a vigorous application of normal grievance and complaint procedures, and a positive promulgation of the true letter and spirit of the original Presidential executive order."

In addition, Todorovich argues that "in writing the rules which are supposed to implement the said Order 11246, unelected lower-echelon bureaucrats have grossly overstepped the boundaries set forth by both the letter and the spirit of the Presidential order. Where the executive order asks for affirmative action to ensure that applicants are employed and that employees are treated during their employment *without regard* to their race, color, religion, sex or national origin, the interpretational rules mandate that persons be treated *with regard* to their membership in ethnic and sexual groups."

Todorovich said that Revised Order No. 4, besides contradicting Executive Order 11246, is "in violation of the explicit provisions of the 1964 Civil Rights Act."

Todorovich bases his contention on Sec. 703(j), which reads, "Nothing contained in this title shall be interpreted to require any employer . . . to grant preferential treatment to any individual or to any group because of the race, color, religion, sex or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex or national origin employed by any employer."

When asked how the Justice Department reconciled the concept of affirmative action, as defined by Order No. 4, with this clause in the Civil Rights Act, David Rose said that the Civil Rights Act only prohibited preferential hiring, while what he was advocating was preferential recruitment of training.

Another answer, more applicable to OFCC contract-compliance cases than to the Civil Rights Act cases brought by the Justice Department, was the one given in 1971 by the U.S. Third Circuit Court of Appeals in a case upholding the Philadelphia Plan (*Contractors Association of Eastern Pa. v. Secretary of Labor*). The court noted in that case that the Civil Rights Act says that "nothing contained in this title shall be required," while the OFCC requirements stem not from "this title" but from the legally independent executive order. So far, the Supreme Court has not ruled on either of these arguments.

#### PRAISE

Women's groups, civil rights organizations and the American Civil Liberties Union have been among defenders of the goals-and-timetables approach.

#### WOMEN

Bernice Sandler of the Association of American Colleges, for all of her criticism of HEW effectiveness, said she thinks "goals can be very useful when there is a genuine commitment to them, and when there is monitoring of them."

Sheila Tobias, past president of the Professional Women's Caucus and current EEO officer at Wesleyan University, also is pleased at the effect federal policies have been having. "Maybe it is because I am comparing now to yesterday when there were no official policies on this at all," said Ms. Tobias, "but I am just impressed with the progress we have had."

#### NAACP

Roy Wilkins, executive director of the NAACP, wrote in a March 3 column on the use of goals in the construction industry that he agrees with their use, so long as they do not deteriorate into racial quotas. "The

construction industry has had at least 73 years to recognize the right of a Negro American to a job," Wilkins wrote. "Guidelines are in order. Persuasion and pressure are in order. But racial quotas for American life—no!"

#### ACLU

The American Civil Liberties Union is not so concerned as Wilkins with the distinction between goals and quotas. In a Nov. 29, 1972, memorandum listing policy recommendations of the ACLU's Equality Committee, the ACLU said that "the use of minimum racial, ethnic, religious and sexual quotas as a technique for correcting a serious discrimination in employment is a justifiable means of offsetting past wrongs by temporarily recruiting people from a group which has been discriminated against. A minimum quota may be a necessary criterion to assure the employment of more than a token number from such groups. The minimum quota may thus be a conscious effort to counteract the effects of earlier injustices."

On the question of whether the explicit imposition of minimum quotas would not result in reverse discrimination, the ACLU said that "the alleged discrimination experienced by the individual white applicant under a system of compensatory treatment is not the same as the discrimination previously suffered by blacks. The white applicant is not being barred from employment because of his race; rather his claim to a particular job is being deferred while a remedy is applied."

#### OUTLOOK

While the ACLU's position is many steps removed from the position the Administration is trying to maintain, the ACLU's memorandum does help to point out the difficulty the Administration has had and can expect to have in trying to maintain fidelity to the four-agency agreement. Is there any likelihood that the Administration position on goals and timetables will be clarified and made more uniform across agencies? The four-agency agreement seems to have reduced the differences in agency interpretation but, as the NJR survey showed, these differences are many steps away from having been eliminated. The differences over the time to be allowed for correcting the effects of past discrimination are but one indication of this.

One key to the problem is the way in which the different agencies try to define the notion of availability. How can you tell how many qualified or easily qualifiable persons are in the pool of those persons looking for jobs?

Clarification of this in turn depends on clarification of what is meant by "qualified or easily qualifiable" candidates.

The EEO Coordinating Council has been trying to define these concepts, and to issue guidelines for tests designed to measure them, ever since its inception 18 months ago. They have finally issued their testing guidelines for informal comment and review—the first step in a several-months-long process that should result in their being printed in the *Federal Register* as formal administrative guidelines. The new testing guidelines will be the subject of the second part of this report.

#### GOALS AND TIMETABLES IN ACADEMIC HIRING

The HEW Department's oversight of college and university faculty hiring has generated sharp controversy over the relationship between goals and quotas in the administration of federal affirmative-action policies designed to eliminate discrimination in employment.

The controversy was the subject of a panel discussion at the annual meeting of the American Political Science Association (APSA) in New Orleans on Sept. 7. Participants were Peter E. Holmes, director of

HEW's Office of Civil Rights; Robert F. Sassee, dean of the faculty at California State University, San Jose; and Jane Cassels Record, senior economist at the Kaiser Health Services Research Center, Portland, Oreg., who delivered a paper she prepared with her husband, William Record, a sociologist at Portland State University. The moderator was Phillip Siegelman, political scientist at California State University, San Francisco.

Holmes defended HEW, Sassee challenged the assumptions underlying the use of goals and timetables, and the Records raised questions concerning the relationship between affirmative action and ethnic studies.

Opening remarks: These summaries of the panelists' opening remarks and prepared statements follow the order in which they spoke.

Holmes, "The underlying assumption of affirmative action is that qualified women and minority applicants for faculty positions exist. . . .

"To be sure, an institution which falls short of meeting a realistic hiring goal that forms part of an affirmative plan must be able to document the efforts it has made to recruit qualified women and minorities. . . . The concept of good faith demands no more than that the university define and justify the standards it applies and the decisions that are reached as a consequence. . . .

"To argue that demonstrating good-faith effort is a burden that no institution will be able to sustain is to suggest at the same time that hiring decisions are based on criteria unfathomable to the non-academic mind, that no justifiable criteria exist, or that a university's prized defense of and search for merit is nothing but a chimera.

"The affirmative-action process is most certainly not anti-merit; it assumes the right of an institution to hire and promote persons who are deemed most qualified. But those who oppose affirmative action on grounds that it will chip away at standards of merit cannot in the same breath dispute the test of good faith. . . .

"We construe (Labor Department Revised Order No. 4) as prohibiting a contractor's use of an unnecessarily high standard of qualification intended or serving to exclude women and minorities from promotion consideration at a higher rate than others. . . .

"The Office for Civil Rights joins . . . in condemning illegal hiring quotas. However, we dispute the inference that goals are by definition quotas, that the distinction is simply a matter of semantics, and that HEW is applying otherwise legitimate principles in a discriminatory manner. . . .

"That there have been excesses, masking as legitimate affirmative action, is indisputable. . . .

However, our experience to date does not support the notion that such distortions are a universal, permanent and ever-growing phenomenon. Indeed, as our inquiries proceed, they are likely to counteract any further momentum in this direction. . . .

"While there is no doubt that affirmative action is 'result oriented,' in the sense that an effective plan is designed to lead to the employment of additional women and minorities, should underutilization exist, the means by which this is to be achieved was seldom examined in any detail. . . . Preoccupation with the end product of what is demonstrably an intricate and comprehensive exercise in institutional reform tended to oversimplify the issues."

SASSEE.—Affirmative action was developed as a means to the legitimate end of the executive order, and is thus properly to be judged in terms of its compatibility with equal treatment and its consistency with the principle of equality. . . .

To the problem of discovering real discrimination, the policy's solution is to give up the attempt. . . . To the problem of demonstrating positive action to ensure equal treatment, the solution is to look for effective

tive effort to overcome 'underutilization,' to achieve the proper proportionality in the employment of numbers of the employed. The simplicity of this solution makes it an attractive answer to a complex practical problem. But it is an answer which altogether begs the question and transforms both the executive order and the civil rights legislation into a preferential policy of proportional employment.

"The denial of this transformation is based on the assertion that the policy is a necessary and reasonable means to the legitimate end intended by the executive order. But to be necessary and reasonable, a means must bear an intrinsic relation to the end of which it is a necessary means. . . .

"Underutilization is the policy's focus of concern and point of attack. The underrepresentation of particular groups triggers action under the policy. Action is required to overcome the underrepresentation of women, blacks, Spanish-surnamed individuals, American Indians and Orientals. Most groups, however, are not included in this focus of concern. . . . Through the concept of underutilization, a legitimate order to ensure equal treatment has been transformed into a willful command to recruit, employ and promote more members of the preferred groups.

"Underutilization may be thought to supply the necessary link between means and end which would justify the policy. But for affirmative action to be a necessary and reasonable means to the end of equal treatment in employment, the principle of equality must be understood as an arithmetic proportionality naturally involving proportional employment. . . .

"This radical theory of equality is the true foundation of the policy, and the acceptance of the policy necessarily entails the establishment of that theory as the principle of public law and policy. The ultimate establishment of this false principle of equality will fundamentally alter the character of the republic and that prospect makes affirmative action truly revolutionary.

"Thoughtful citizens have long been disturbed by the persistent disadvantages suffered by blacks and others in our society. The cherished dream of full integration seems no nearer realization still, and affirmative action has perhaps arisen in a desperate effort to make that dream come true. Affirmative action, however, is a fundamental betrayal of that dream. In its efforts to force the proportional employment of persons identified by their race or national origin, the policy writes racial distinctions into law and declares that, after all, race should count in the competitions of life and in the distribution of the benefits of society. In doing so, the policy sanctions the eventual establishment of an American form of apartheid."

RECORD. Minority studies and affirmative action are at once mutually supportive and inherently conflicting movements. . . . Affirmative action issued from the equalitarian-integrationist-universalistic tradition of the liberal establishment. Earlier curriculums in race and ethnic relations had the same ideological orientation. But the new minority studies programs are quite another matter. Black studies, for instance, have developed as an instrument of the 'black-power' movement, which inevitably assumed a strongly separatist bent. . . .

"It is unfortunate that an elevated sensitivity about graduate and professional school admissions has come at a time when the need for their graduates is declining, as evidenced by market conditions. . . .

"The young white male . . . might find himself being denied admission to these programs in favor of a black or Chicano with a lower achievement record, as measured by the university's own stated requirements.

"That turn of events, though it might be justified as a means of redressing past griev-

ances of minority groups, in effect asks individual members of white society to bear an inequitable portion of the burden. If the demand for professors and lawyers were booming, the onus of redressment could be shifted to society as a whole by merely increasing enrollment and distributing the costs over the taxpaying public; that is to say, members of minority groups selected for admission could be treated as add-ons without reducing the established opportunity levels of other groups. . . .

"In the same sense . . . individual blacks are falling heir to a disproportionate share of the redressment benefits, which could be viewed as belonging to blacks as a whole. . . .

"Once admitted to graduate and professional programs, marginal or submarginal minority students—those who could not meet the entrance requirements upheld for others—present a whole range of problems. . . .

"If minorities exit from, as well as enter, graduate and professional programs on the basis of special criteria, are law firms, university faculties, government agencies and corporations expected to hire them on the basis of special criteria so as to fill the assigned quotas? For how long? Is there a move from horizontal ghettos to vertical ghetto corridors running from kindergarten to the highest educational levels? If so, what is implied for the dignity of blacks and other 'quota-ed' groups, or for the supposedly equalitarian socialization of whites."

"The alternative to such corridors is to say no at some stage along the way: in other words, to pick a point or points beyond which yardsticks, whatever they may be or come to be, will be applied without regard for race, color, creed or national origin. . . .

"Given the bureaucratic propensity to attack subtle, complex issues instrumentally, the questions raised above are discomfiting."

#### COMMENTS

After reading their papers, the panelists responded to each other's remarks.

HOLMES. "Dr. Sassee . . . talks about certain aspects of the policy, about numbers and goals and timetables. But affirmative action is much more than that and there are problems on university campuses that affect the equal treatment of women and minorities already on the roll, as well as evidence that the traditional old-boy recruitment system has been oblivious to the interests and qualifications of women and minorities."

"I urge these very distinguished minds to start communicating with me and with the federal government and come forward with recommendations to make this a program more palatable to the academic community."

SASSEE. "I believe we have suggested what is to be done. What is to be done is to remove from the policy that corrosive component which leads to the concentration on overcoming underutilization, as if that were the same thing as ensuring equal treatment. If it appears that I am preoccupied with that aspect of the policy, it is because the policy is preoccupied with it."

RECORDS. "In administering policy, we should recognize that the problem is not simply one of ensuring equality, but also one of making sure of the quality of the society in which we are all to be equal."

"If we were to achieve proportional representation in 1973, this would be prima facie evidence that equal employment opportunity did not exist, because there are not enough qualified people around for that to happen."

"One question I might ask Mr. Holmes to think about is whether it isn't troubling that this Administration is requiring more hiring of women and blacks while it cuts back on the funds needed to help these groups become more qualified?" (Holmes responded by saying that he was not embarrassed by this, but that he did not pretend to be an economist with a full understanding of fiscal policy.)

#### "TODAY SHOW"

Mr. ROBERT C. BYRD. Mr. President, on Wednesday, October 31, I was interviewed on the "Today Show," a production of NBC. I was interviewed by Bill Monroe, Washington editor of the "Today Show," and by NBC congressional correspondent, Paul Duke.

I ask unanimous consent that the transcript of the interview be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

#### AN INTERVIEW WITH SENATOR ROBERT C. BYRD

FRANK MCGEE. Chapter by chapter, the Watergate crisis continues to unfold. Questions now hanging over Washington include at least these: Will Congress insist on a special prosecutor the President cannot fire; if Mr. Nixon names a new Attorney General will the Senate confirm him; will the Watergate Committee get the White House tapes?

We want to talk about these matters now with a man who will have considerable influence on the answers, Senator Robert Byrd of West Virginia. He's the Democratic Whip in the Senate.

Senator Byrd is in our Washington studios with "Today" Washington editor, Bill Monroe, and NBC New congressional correspondent, Paul Duke.

Gentlemen?

BILL MONROE. Thank you, Frank.

Senator Byrd, let me start with one of the questions that Frank just asked. Is Congress in your opinion, going to insist on a special prosecutor who can not be hired or fired by the President?

Senator ROBERT BYRD. I think it will.

MONROE. You think that's going to go through both Houses?

Senator BYRD. I think it will. I think there's a majority in both Houses that would support this.

MONROE. Now what happens if Congress passes such a bill but the President has his Attorney General appoint a new special prosecutor within the Justice Department and vetoes the congressional bill for an independent special prosecutor?

Senator BYRD. The vetoing of a special bill providing for an independent prosecutor would be a political decision that the President would have to make and I think it would be fraught with peril to the President, especially in the context of the experiences that the country has gone through recently. Secondly, the legislation passed by the Congress would supersede the actions of the President and I think would preempt the field.

MONROE. In view of the fact that Congress has not been able to override a Presidential veto for some time, do you think the Congress could override a veto in this area?

Senator BYRD. I don't know. It may very well be able to override a veto because I think the public's reaction would be very strong against the President if he should veto this bill because it would be another indication, rightly or wrongly, that the President was trying to obstruct justice.

PAUL DUKE. You talked yesterday at the Senate Judiciary Committee, Senator, about what you regarded as a new cover-up. Would you explain that?

Senator BYRD. The former special prosecutor, Mr. Cox, indicated to the Judiciary Committee, that various files and papers, at the White House were being shifted into a category designated as "presidential papers" so as to avoid surrendering them to the committees of Congress and to the courts on the basis that they involved matters which were privileged. The prosecutor Mr. Cox also stated



that among these files are those which have to do with Mr. Ehrlichman, Krogh, and so on.

In the light of the President's order to Cox that he not pursue the securing of evidence from the White House through the judicial process, and in view of the fact that it appears that the President will not allow any prosecutor named by him or named by the Attorney General to pursue, through the judicial process, the securing of evidence from the White House, that the White House does not wish to surrender, it would then appear on the basis of Mr. Cox's statements that by shifting papers that the White House doesn't wish to surrender into the file designated "presidential papers," thus allowing the invocation of the doctrine of executive privilege, and not allowing a prosecutor to go through the courts to secure these, this then, would amount to the ultimate cover-up.

DUKE. Senator, Senator Mansfield, the Democratic leader in the Senate, said yesterday that the Watergate Committee should now expand its inquiry because we don't have a special prosecutor. Do you support that? Do you believe that the Watergate Committee now must look into other areas of potential wrongdoing?

Senator BYRD. This is a matter which the Committee initially would have to decide. Secondly, the Senate would have to decide this. I think that during the remaining four months under which the Committee will act by virtue of the mandate previously passed by the Senate, through the resolution that was enacted, the Committee will have ample time to go into the matters that remain for it to investigate. And also, there will be ample time to make this decision as to whether or not the mandate should be expanded.

MONROE. Frank?

McGEE. Senator Byrd, yesterday Mr. Cox told the Judiciary Committee that he had had a discussion with two Democratic Senators about a matter that later was published, and he thereby acknowledged that he might have inadvertently caused a leak. The White House responded by this—to this by saying this proved their contention that Mr. Cox was engaged in a partisan political matter from the beginning. That in fact the whole investigation was politically inspired. Do you agree with the White House assessment?

Senator BYRD. I do not. Mr. Cox's action was of course indiscreet. I think he used very poor judgment in making these statements to any Senators and their staffs. If he wanted to make a report on this matter he should have made it to the full Judiciary Committee. But that doesn't change the substance of the information. I think Mr. Cox was very forthright, he was very contrite, he volunteered the information, it didn't have to be drawn out of him. And he was very, very sorry.

That doesn't change the substance of the information. That—that is really the heart of the matter. The issue really boils down to this, did the government lie about the ITT case? And also, did high government witnesses commit perjury during their testimony in the hearings on the Kleindienst nomination? These are the real issues, and they'll be around a long time after Mr. Cox is forgotten.

MONROE. Senator Byrd, Senator Saxbe, a fairly independent man by reputation, has confirmed that he is under consideration by the President to be the new Attorney General. Suppose he is appointed Attorney General, and he comes to the Senate for confirmation and says we intend to appoint a new special prosecutor, or we have a new special prosecutor, who may then have been appointed by Mr. Bork, and Mr. Saxbe offers some pledges in blood that he will be fully independent. Might the Congress not be

swayed to accept Senator Saxbe's word that the prosecutor would be independent?

Senator BYRD. This would put us right back where we were in the case of Mr. Richardson and Mr. Cox. I don't think that there's any doubt but that the Judiciary Committee would certainly attempt to exact commitments, solid commitments out of the Attorney General and out of the new special prosecutor, that they would pursue the case fearlessly and objectively and also there would be a hard and fast set of guidelines drawn up as there was in the case of Mr. Cox. But the problem here is that even with all of these safeguards, the President still has the prerogative and the right to fire the special prosecutor if for reasons of his own, the President's own, he wants to fire the man. So we'd be right back where we were in the case of the firing of Mr. Cox.

MONROE. Then you don't think the Congress would buy that?

Senator BYRD. Well, I think the Congress ought to insist on legislation vesting authority for the appointment of a special prosecutor in the District Court.

MONROE. Senator, we have some more questions for you in just a moment. Right now, back to Frank.

McGEE. We will be back after this message.

McGEE. Senator Robert Byrd of West Virginia, the Democratic Whip in the Senate is in our Washington studios. We're discussing Watergate, and we will rejoin Bill Monroe and Paul Duke for the remainder of that discussion in just a few moments.

McGEE. Now let's return to Washington. Senator Robert Byrd of West Virginia, "Today" Washington editor Bill Monroe, and NBC News congressional correspondent Paul Duke.

Gentlemen?

MONROE. Senator, you brought up the subject of perjury in the ITT case just a moment ago. Now, when Mr. Kleindienst was being considered for Attorney General and testified before your Committee, the Judiciary Committee, he said that he had not been pressured and contacted by people at the White House. There is now evidence that he was called personally by the President. Is this grounds for consideration of perjury and should the Committee reopen its inquiry into the ITT case?

Senator BYRD. I think the Committee probably ought to reopen its inquiry into the ITT case. It would appear that there are grounds for perjury. Mr. Kleindienst did say that he was not importuned, he was not pressured, he was not directed. And on the basis of information that has now come to light, of course, this certainly has the appearance of being an untruth.

DUKE. Senator, we seem to be in a new and nasty phase of Watergate with some Republicans—John Connally, last night, for example, suggesting there is a vendetta against the President in this country, there are new attacks being directed against the press. Do you regard these as a new ploy to divert attention from the real issues?

Senator BYRD. It may very well be a new ploy. I'm in no position to say that it is. I don't think anyone is in the position to say that there's a vendetta against the President. There's no question but that some people probably are carrying on a vendetta against the President, just as they carried on a vendetta against Mr. Johnson, and just as they carried a vendetta against previous presidents.

I don't think any president can escape this on the part of some people. But the majority of the people aren't carrying on a vendetta against the President, and yet the polls show that a great segment of the American people

distrust the President and that they feel that he had some part in the cover-up, et cetera.

I don't think that there's a majority of the members of Congress, or even in my own party who are carrying on a vendetta against the President. As a matter of fact, I think Democrats generally in the House and Senate have acted in a very remarkable restrained way. So I don't think it's a vendetta. There may be some substance to this, but not much.

MONROE. Senator, aren't the Democrats in some danger of approaching the whole thing on a partisan basis, and, for example, I realize Senators don't like to comment ordinarily about things going on in the House. The Rodino Committee yesterday, looking into its proceedings on impeachment, voted to give the chairman, a Democrat, subpoena powers, but to withhold the subpoena power from the senior Republican and the vote was on a strict party line basis, and it looks as if that Committee is beginning its inquiry on a partisan basis.

Senator BYRD. I don't know the facts in back of this action by the Committee. I would not be in a position to comment on the action by the House Committee.

MONROE. Is it clear to Democrats in the Congress, and particularly in the Senate, in your view, that the country should have a man in succession, in line of succession to President Nixon who is a Republican? That is, in this case Mr. Ford, because of the fact that the Republicans won the election overwhelmingly about a year ago?

Senator BYRD. That's my viewpoint and I believe that it would be shared by most of the Democrats in the Senate. The country elected a Republican. I think the country's entitled to have a Republican serve out the remaining three years of the President's term. I think it would be a serious mistake on the part of the Democrats and Congress if they sought to withhold action on the nomination of Mr. Ford. If they did it purely on that basis, I think it would be a serious mistake because it would be, in effect, a repealing of the results of the 1972 election, and I don't think the country would stand for that.

DUKE. Senator, this has been an incredible year in which we go from controversy to controversy, and bombshell to bombshell, and the impeachment inquiry is now underway in the House. You have your Judiciary Committee hearing on the Cox/Richardson affair. And all of these point to one fundamental question, can the President survive? Can he remain in office?

Senator BYRD. This is a serious question. And the seriousness of this question became so obvious during the recent alert in connection with the Middle East situation. There were so many people in this country who, even in the face of the announced alert, did not believe that there was any crisis of any kind. This indicates that the credibility of the administration has suffered badly and there is a point beyond which lost credibility can never be regained. This is the very vital and sad side of this whole affair.

MONROE. Have we reached that point? Should the President resign?

Senator BYRD. I don't think we've reached that point, but we have reached the point where the credibility of the President has been severely impaired. I have serious doubts that it can be repaired. And as long as it goes on, of course, our country suffers. It affects our national security. I wonder what the response of the people would be in the event there were an attack on this country, or in the event that this country had to send men abroad in a situation which vitally affected the security of this country.

MONROE. Senator Byrd, thank you very much for being with us this morning.

Senator ROBERT BYRD (Democratic Whip in the Senate). Thank you, Paul Duke.

## PABLO CASALS

Mr. MATHIAS. Mr. President, the death of Pablo Casals is a proper time to recall one of the principal themes of his life. Once when I was visiting his home in Puerto Rico he told me—

You must help each child in the world to understand that he is totally different from every other child; that there has never been another child like him in all the world and there will never be another child like him in all the world; and if each child understands this about himself, he will respect himself a little more, and eventually he will come to respect other children, other people, and the world can then be a better place.

Pablo Casals devoted much of his life to peace and to freedom and thought that progress toward those enduring human goals could be attained if each one of us understood our proper relation to our fellow men and to the world around us. If, as he said, each leaf on each tree is unique, how much more remarkable and important is the individuality of every human being.

The story of Casals' lifelong dedication to human dignity is too well known to be retold here. But the integrity of his life in all his associations cannot be understood too often.

For example, he described to me a little of the circumstances of his youth, because he was early recognized as a genius. He was given a scholarship at the Conservatory of Music in Madrid. His merit was recognized by the Queen of Spain, and he became a familiar figure in Madrid. He grew up knowing the royal family very well.

In spite of these close personal ties, he became one of the most ardent advocates of human freedom. He felt compelled, at one point, to go to King Alphonso, a few years his junior, and tell him that he was a Republican and believed that Spain should be a Republic. He said it made no difference in the friendship, and King Alphonso said—

Well, you are a man, and that is what is important.

I ask unanimous consent that the tribute to Pablo Casals which appeared in the New York Times on October 28, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Oct. 28, 1973]

PABLO CASALS, 1876-1973

(By Harold C. Schonberg)

At the end, of course, Pablo Casals was a symbol. Anybody who lived to his great age—96!—would automatically be a symbol. But in his case, the Casals legend was based on a good deal more than mere seniority. Nobody would seriously argue against the fact that for many years he was the world's greatest cellist. Nobody ever disputed his monomaniacal dedication to music. And then there was his strong stand against dictatorships, which alone would have made him a public figure. And then there was Casals the teacher, Casals the conductor, Casals the player of chamber music, Casals the inspiration. The tiny Catalan musician carried enormous weight.

And he knew it. He was conscious of his worth. He would have been a fool had he not

known what he was capable of when he had his cello before him, and Casals was anything but a fool. Some musicians can be simple-minded. Casals, all are agreed, had a shrewd peasant streak in him.

Basically a simple man, he nevertheless must have realized that his art transcended himself. He accepted the honors that came his way not only for himself but in the name of music. I really believe this. And he tried to live the part. There was the time in Puerto Rico when he set forth from his house to receive birthday plaudits from the Governor. There was Casals, neatly dressed, sitting in the back of his car, with ineffable dignity, his chin thrust forward, his body erect. And so he remained through the ceremonies. Coming home, he was tired. His body slumped a bit; his eyes struggled to remain open. But that peasant stubborn chin was thrust forward as strongly as ever. The man was 90 years old at the time.

Like all great instrumentalists, he was born to music. As a baby he had a perfect ear. By the time he was 7, he was a soprano in the church choir, a decent enough pianist, a budding violinist, a boy hypnotized by sheer sound. Curiously enough, he did not start the cello until he was about 12. That is last for an instrumentalist. But it turned out that he and the cello were one; the instrument was an extension of his hands, his body, his ears, his brain.

And so he went on to his great career. What a career it was! There was his discovery of the Bach suites when he was not yet 14. "For 12 years I studied and worked every day at them, and I was nearly 25 before I had the courage to play one of them in public." Musical considerations aside, it did take courage. The cello, in Casals's early years, was more a salon than a serious instrument. Virtuosi avoided Bach and the Beethoven cello sonatas, and instead had a repertoire consisting largely of display pieces and lullabies. Those pieces were also in the Casals repertoire, as witness the series of Columbia records that were issued in the World War I period—"The Swan," "Song to the Evening Star," and so on. But as the years went on, Casals dropped this literature entirely.

As early as 1900, he and the pianist Harold Bauer were bringing the masterpieces of the literature to the public. His association with Bauer, that elegant musician, lasted for many years. Then there was Casals's part in the trio he formed with two great French musicians—the pianist Alfred Cortot and the violinist Jacques Thibaud. Their recordings made history. How many of us were introduced to the trios of Schubert, Beethoven, Schumann by the Cortot-Casals-Thibaud Trio! It also was in the 1920's, after the advent of electrical recording, that Casals's own great series started. His performances of the great cello concertos—Schumann, Dvorak, Elgar, Boccherini. The six Bach suites. And so to his festivals at Prades and Perpignan, where he and a group of eminent musicians including Rudolf Serkin made records of a good part of the chamber music literature.

As a musician, he was a romantic. What else could he be considering a birthdate of 1876? (Remember: the Civil War was only about 10 years over; the Bayreuth Festival was having its opening season; Queen Victoria had another 25 years to reign.) Casals the interpreter was an apostle of warmth, free tempos and the right—no, the necessity—of the player to add his own ideas to the ideas of the composer.

There was a period, during the strict liberalism of the 1930's, '40's and '50's, when Casals' ideas about interpretation were somewhat looked down upon by the younger generation. Yes, he could play the notes—but so free! So romantic! Ugh! It is only in the last decade or so that musicians have come to realize that the controlled emotionalism of

a Casals may be closer to the spirit of Bach and Beethoven than the antiseptic performances, devoid of imagination, that once were considered "musicianly."

And so Casals lived a legend, and died a legend. And it was a real legend, one that Casals had rightly earned. In him came together a set of attributes that few musicians have matched. The man was largely responsible for modern cello playing, was instrumental in furthering the cause of chamber music, and lived and died for music. His was an important life. And in most respects it was a beautiful life.

## THE ENERGY DILEMMA

Mr. MOSS. Mr. President, 22 outstanding faculty members from diverse backgrounds participated in a 1973 Summer Faculty Program in Engineering Systems Design, jointly sponsored by the National Aeronautics and Space Administration and the American Society for Engineering Education.

The 22 faculty members included 20 with Ph. D. degrees. The degrees were not only in science and engineering, but also in psychology, economics, law, and political philosophy.

The subject of the study was "The Energy Dilemma and Its Impact on Air Transportation." The study report, numbered NGT-47-003-028, was just released.

Mr. President, I would like to commend this report to my colleagues. I ask unanimous consent to print in the RECORD a portion of the foreword as well as the summary of recommendations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## FOREWORD

"... The objectives of this systems design program included the following:

(1) To provide a useful study of a broadly based problem of society that required the coordinated efforts of a multidisciplinary team.

(2) To provide a framework for communication and collaboration between academic personnel, research engineers, and scientists in governmental agencies and private industry.

(3) To generate experience and foster interest in participation in and development of systems design activities and multidisciplinary programs at the home institutions of the participants.

These three objectives were met by an intensive systems study of the energy crisis and its effect on transportation, particularly air transportation. The report resulting from this interdisciplinary effort is intended to communicate the dimensions of the energy situation and its impact on air transportation to the general public, to governmental bodies, and to policy makers on the local, state, and federal levels. To be realistic, such a study must encompass a wide range of social, technical, legal, and economic considerations. Therefore to address this study, a group of 20 investigators, including representatives from 10 different academic disciplines, was assembled. The result was a multidisciplinary team with a broad variety of expertise that could be brought to bear on one of the nation's most critical problems.

The presence of a multidisciplinary team has been essential to the success of the study, but the program has been greatly enhanced by visits from many lecturers and consultants from various industries, government agencies, and academic institutions. . . ."



## SUMMARY OF RECOMMENDATIONS

"... A wide range national energy policy is needed now. This should include the following recommendations:

A national energy conservation program should be established which would include:

a. Coordination of conservation efforts and establishment of an energy conservation consciousness in the American public.

b. Institution of a penalty tax on new cars on a sliding scale in proportion to their gasoline consumption rate.

c. These plans should be implemented immediately before the energy dilemma is out of control.

The federal government should conduct a campaign to inform the public about research-initiated technological change, and to determine the best methods for overcoming unfounded public resistance to such change.

An energy data bank should be established. Energy research should be diversified according to the following guidelines:

a. Federal funding levels should be increased.

b. Development of solar and geothermal energy should receive as much emphasis as nuclear energy development. The solar energy forms would include wind, ocean thermal gradients, solar thermal conversion and photovoltaic conversion.

c. Major investment should be placed in diversified research, development and production of new sources of fossil fuels.

d. Federally-financed coal research should be continued, expanded and integrated, including conversion into clean portable fuels.

e. Research into coal mining techniques including environmental hazards should continue and full land reclamation should be required for all surface mining operations.

f. Federally-funded research should continue toward the development of a safe commercial breeder reactor.

g. Fusion research should continue as a long range energy source.

h. The conversion of solid organic waste into clean fuels should be encouraged.

The government should sponsor an accurate reassessment of available U.S. fossil fuel reserves and production capacity.

Public utilities should be made to pay premium rates for use of prime energy sources such as oil or natural gas so as to encourage central use of other energy sources such as coal, with the attendant pollution control investment requirements.

Environmental, not economic, considerations should dominate the decision regarding disposal of radioactive wastes.

A wide range national transportation policy is needed which would include the following:

a. Government sponsored research should continue toward the development of energy-efficient subsonic aircraft for a wide range of uses, with a reduction in noise and air pollution.

b. Modify the CAB subsidy program to force efficiency in air service to small communities.

c. The federal government should revise the air transportation tax structure so that general tax revenues are not used to support air travel, and so that the payment of the air transportation taxes encourages energy efficiency.

d. Encourage economy and charter flights which will fill the airplanes to capacity.

e. To achieve economic and energy efficiency, the CAB should revise its regulatory policies so that the airlines will minimize the duplication of flights and better match aircraft to their intended mission.

f. Provide stand-by economy ticketing for the poor and elderly.

g. Place revenues from user taxes into a general Transportation Fund with alloca-

tions from this fund based on a national transportation plan.

The government should establish an extensive research program leading toward the development of a hydrogen economy.

The federal government should fund the development of economical techniques for generating hydrogen from nonfossil sources.

Research on the use of hydrogen as an energy transmission medium should be supported.

A demonstration project should be established to show the feasibility of using hydrogen as a regular jet fuel, with NASA in charge of the project.

Other demonstration projects should follow which would show the feasibility of using hydrogen to power trains, buses, and cars, and as a household fuel.

The federal government should undertake an extensive research program to resolve the present impasse between the environmentally concerned on the one hand and the nation's real energy demands on the other."

## CONSUMER PRODUCT SAFETY COMMISSION

Mr. BIDEN. Mr. President, in recent years, the Federal Government has taken an increasingly active role in protecting the consumer. A major step forward was the creation of the Consumer Product Safety Commission charged with promulgating and enforcing safety standards for consumer products.

I would like to bring to the attention of my colleagues an article appearing in the Wall Street Journal on October 1, 1973, which describes some of the activities of the new Commission. I think it is important to publicize its activities in order to promote its efficiency. The consuming public will best be protected by increased awareness of potential hazards and, at the same time, the Commission will be able to focus on those items which it knows are causing injury. This article points out that the Commission intends to focus its actions on products it considers most hazardous, according to injury reports at 119 hospital emergency rooms.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

## CONSUMER SAFETY PANEL TO FOCUS ACTIONS ON PRODUCTS IT RANKS AS MOST HAZARDOUS

WASHINGTON.—The Consumer Product Safety Commission, after months of preparation, is beginning to flex its regulatory muscle.

The five-member commission, which exerts authority over an estimated 10,000 to 100,000 products, doesn't expect to ban any items from the market. Rather, the agency will focus on enhancing the safety of those products that cause the most frequent and severest consumer injuries.

Among its major steps will be issuance of required safety standards for such items as swimming pools, slides and swings and football equipment.

The commission, authorized last year by the Congress and established in May, has prepared a priority list based upon injury reports at 119 hospital emergency rooms. So far, the commission's regulatory actions have been largely based on groundwork laid by the Food and Drug Administration and other

agencies whose consumer-product tasks it assumed.

But Richard Simpson, commission chairman, made it clear that the agency will base its future actions on the needs shown in its new priority list, made public yesterday. "We will be working from the worst case first," he explained. "The companies that produce products near to the top of the list have a more immediate problem than the manufacturers near the bottom."

The commission estimates that 20 million Americans are injured and 30,000 killed each year by consumer products, excluding automobiles, with a cost of \$5.5 billion in medical care and economic loss. The consumer products ranked as the 10 top causes of injury by the commission are: bicycles and bicycle equipment; stairs, ramps and landings; doors other than glass, including garage doors; cleaning agents and caustic compounds; non-glass tables; beds; football and related equipment and apparel; swings, slides and other playground equipment; lighting fluids including charcoal starters, and sliding glass doors, windows and other glass enclosures.

All told, the agency ranked 369 consumer products in order of their hazard to users. The top 50 were responsible for 3.6 million of the estimated 20 million injuries a year. Mr. Simpson says 70% to 75% of the commission's regulatory actions will be guided by the priority list. He said the agency will attempt to adjust its corrective steps, which could range from merely disseminating information to an actual product ban, to the severity of the hazard, the prospect for success, economic cost and the actual exposure of consumers to risk.

But he stressed that other information coming to the commission from consumer complaints and requests for action from other organizations also will play a role. For the near future he indicated that these steps are probable:

A safety standard for swimming pools designed to deal with problems of shallow depths, diving boards and water slides, shock hazards arising from lighting and slippery surfaces.

Safety standards for football equipment focusing on increasing the protection offered by helmets and other equipment. The commission has been requested by the Football Players Association, representing professional players, to set standards for artificial playing surfaces and impose a moratorium on the installation of new synthetic turf until standards are imposed. The players contend the turf causes burns and a variety of other problems. Football-team owners have asked the commission to take no action. Mr. Simpson says the agency will decide this controversial issue within a week or so.

Standards for swings, slides and other children's playground equipment regulating the minimum strength of metal chains and the required space between swings.

## AMERICAN LEGION COMMEMORATES VETERANS' DAY

Mr. MATHIAS. Mr. President, Rear Adm. Robert Y. Kaufmann, U.S. Navy, was the grand marshal for the 41st annual parade and Veterans' Day celebration sponsored by Steadman-Keenan Post, American Legion No. 96, Brunswick, Md.

Admiral Kaufmann is the Director, Strategic Submarine Division, U.S. Navy. He is a Marylander who was appointed to the Naval Academy in the class of 1945. As the officer primarily responsible for Trident development, he is charged with

planning the security of the next generation of Americans.

The mayor of Brunswick, the Honorable Jess D. Orndorff, welcomed the thousands of persons who had come to participate in this traditional ceremony. The program was ably conducted by the general chairman, Ellwood Wineholt. The principal address was delivered by Robert N. Ford III, commander, Department of Maryland, American Legion.

Mr. President, I ask unanimous consent that a copy of Commander Ford's speech be printed in the *RECORD*.

There being no objection, the speech was ordered to be printed in the *RECORD*, as follows:

ADDRESS OF DEPARTMENT COMMANDER ROBERT N. FORD III

Veterans Day honors those men and women who manned the defense in time of crisis when their country and her freedom and principles were endangered.

Veterans Day is thus, inescapably, a poignant reminder for Americans of the lesson spread across the pages of two centuries of the nation's history. This lesson written with sacrifice and hardship by veterans, is that freedom must be maintained by each succeeding generation.

In their task of defending and maintaining this heritage of freedom that is ours, veterans have learned this great truth from the heart, as no other person lacking their experiences of service to their country could.

Veterans know from hard experience that the defense of this great heritage founded upon freedom has never been and never will be free of pain, free of struggle and free of individual and collective concern and effort. This is a truth faced in every generation, in every year and, yes, in every day of the life of this nation and society.

More than 38-million men and women have served in the United States Armed Forces from the Revolution onward and more than 27-million are still living. Living veterans and their families, plus the living dependents of deceased veterans, constitute about one-half the present United States population. I don't believe you can find another single day that honors so many in tribute for a job well done.

Veterans Day as a national observance, goes back to the great outpouring of relief, of patriotism, of prayerful thanksgiving and unrestrained joy which marked the end of the first World War. Perhaps never again will our nation witness the jubilation of that first Armistice Day.

Young America has been tried in the most terrible war the world had, until then, ever known. The United States had not been found wanting in this test. Its men and material provided the margin of victory. The United States had fought and won "a war to end wars"—a war "to make the world safe for democracy."

The fact that war was not banished from the world, that democracy is as seriously threatened today as it was then, takes nothing from the achievements and the sacrifices of World War I. The honor and esteem in which we hold the veterans of that war today is not lessened by the knowledge that the world and the nation failed to achieve the ultimate victory over evil for which they fought.

From the vantage point of history, we know that World War I was not a war to end wars, but simply another chapter in man's long struggle for freedom and dignity. We have relearned the hard truth that each generation must meet the evil of its time, that as yet there has been no final battle

which will bring lasting peace, that no sacrifice, however great, makes further sacrifice unnecessary.

For many years thereafter America celebrated "Armistice Day" each November 11. Unfortunately for the world, the name proved all too fitting. The dictionary defines "armistice" as "a brief cessation of hostilities." And that is what America experienced.

World War II came, and old battles had to be refought on an even bloodier field while a new enemy was licking at our western shores. Americans were called upon to meet the threat of aggression and tyranny in Korea and South Vietnam.

In 1926, Armistice Day was made the official name for November 11th by Congressional resolution. The historical significance of this date was the fact that World War I came to an end on the 11th hour of the 11th day of the 11th month. In 1938, similar action made the date a national holiday.

It remained that way until 1954 when Congress gave the day its broader designation of Veterans Day. The new order spelled out that this day would be one to honor all the nation's veterans, from all wars, both living and dead.

In this change, the veterans of World War I sacrificed their right to an exclusive day in memory of that war. But, in the light of history, the new name seemed appropriate. For the meaning of the word armistice has changed greatly since 1918, when it meant not just an end to a war, but an end to war as an institution. Today its meaning is much closer to the dictionary definition—a truce, a temporary halt to hostilities, with a great deal of emphasis on "temporary."

We do not Honor our Vietnam Day on Nov. 11th but October 22. I am sure all of you know that the date was changed by law to a Monday and that the sole basis for changing the observance date to create a three-day holiday weekend.

Ladies and gentlemen, I must go on record and point out to you, The American Legion has opposed this blatant disregard for historical fact. Such an arbitrary change diminishes the importance long attached to this historical date.

For many years now, our generation and the young men who have followed us to maturity have accepted as a fact of life the necessity of performing some sort of military service. For us and for them it was not a matter of whether or not to serve, but simply, how and when.

In America's wars, its citizens from every station of life have accepted and discharged well the heaviest obligation of citizenship—the responsibility of defending their country with their very lives.

This is the lesson of Veterans Day—that ordinary Americans, the everyday people with whom we live and work—are capable of greatness when great demands are made upon them. And have no doubt about it. Great demands were made upon America's fighting men and women in every conflict in which we have fought.

On this, the day of all veterans, we of the American Legion ask that all Americans rally to the cause of freedom. Great demands are being made on us today, as we are faced with many problems, both internal and external. And it goes without saying that we live in a nation and a world that is far from perfect.

However, all too frequently, we have seen Americans of all ages downgrade their country by emphasizing America's faults while completely ignoring her virtues. While we certainly rejoice over the cease-fire in South Vietnam and the return of the prisoners-of-war, we also witnessed at the same time—during the years of the Vietnam war—the degradation of honorable military service.

Noted experts have observed that when the

citizens of a nation assume negative attitudes, national pride is weakened and the national fabric endangered. A nation without pride is a nation headed for history's scrapheap, and it is the task of all Americans to reverse this negativism.

If we fail our responsibility to maintain our national pride, then the United States will have failed its heritage—then will the sacrifices of the veterans of the nation's wars become empty and meaningless.

On this day, so rich in American tradition, let us, resolve that this shall never happen, that America will be preserved for our children, our children's children, and for countless generations yet to come.

Certainly, it is the hope and prayer of all veterans that neither the young people of today nor the future generations of young Americans will ever be faced with war! Yet, we cannot give you a guarantee, for you know, history has proven to us repeatedly that freedom must be won anew by each generation.

Thank you.

#### CONTINUATION OF RAIL SERVICE ON DELMARVA PENINSULA

Mr. BIDEN. Mr. President, the Delmarva Peninsula consists of portions of the three States of Delaware, Maryland, and Virginia south of the Chesapeake and Delaware Canal. While the area is not heavily industrialized, it does have a substantial number of thriving business enterprises which bolster the economy of the area and provide employment for its residents. Many of these business enterprises depend upon continued railroad service for their successful operation. Also vital to the economy of Delmarva are its general agriculture and its poultry industry. These too depend upon railroad service.

Because the area is completely surrounded by water there are only two rail links with the Nation. One of these is over a bridge over the Chesapeake and Delaware Canal, which connects with the northern part of Delaware. The other is a car float operation between Little Creek—Virginia Beach—and Cape Charles on the peninsula. Both of these connections provide essential service to industry and agriculture in Delmarva. The particular importance of maintaining two rails links was demonstrated recently when a ship hit the railroad bridge over the canal, putting it completely out of commission. Only the existence of the car float operation prevented a major economic disaster.

I have received a resolution from the Delmarva Advisory Council, a representative group of citizens and officials of Delaware, Maryland, and Virginia. This resolution urgently requests:

The preservation of the present rail service and that the car float link so vital to the rail service of this peninsula be given unrelenting support and assistance.

Rail services to the peninsula are a part of the Penn-Central system that is now in bankruptcy. It is important that the Congress give priority attention to continuing rail service in the Northeast part of our Nation. In doing so we must not lose sight of the importance of rail



links such as this one to the economic health of certain areas.

Mr. President, because of the importance of this matter, I ask unanimous consent that the resolution of the Delmarva Advisory Council be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

**SPECIAL RAILROAD COMMITTEE REQUESTED  
RESOLUTION**

(Adopted by Delmarva Advisory Council,  
Salisbury, Md., Sept. 19, 1973)

Whereas, the Delmarva Advisory Council is a representative group of interested citizens and officials of Delaware, Maryland and Virginia; and

Whereas, this council has been requested by a specially formed Railroad Committee to request, by resolution, that the Delaware, Maryland and Virginia governors and congressional legislators oppose the abandonment of the Penn Central rail and car float links, which is the Wilmington-Salisbury-Norfolk core; and

Whereas, the Penn Central operation on the Delmarva Peninsula is essential to the economic survival of this area; and

Whereas, the car float operation from Little Creek (Virginia Beach)-Cape Charles is an integral part of the railroad's operation on the Delmarva Peninsula and is essential in stopping the deterioration of the Delmarva rail service; and

Whereas, the industrial park areas of Delaware, Maryland and Virginia supported by Delmarva Advisory Council, the Economic Development District organization, and financed by the Economic Development Administration and local funds, will be drastically affected;

Now, therefore, be it resolved, that the Delmarva Advisory Council urge the Delaware, Maryland and Virginia representatives to use their appropriate offices to advocate the continuation of the rail service on the Delmarva Peninsula; and

Be it further resolved, that the Delmarva Advisory Council, at a regular meeting held in the office of the Delmarva Advisory Council on the 19th day of September, 1973, did vote unanimously that all urgency be placed upon the preservation of the present rail service and that the car float link so vital to the rail service of this peninsula be given unrelenting support and assistance to the promotion of this endeavor.

**EFFECTIVENESS OF AIRCRAFT CARRIERS DURING MIDEAST CRISIS**

Mr. THURMOND. Mr. President, much has been learned from a military standpoint as a result of the recently concluded hostilities in the Middle East.

U.S. weapons systems employed in this conflict were used by Israeli forces while on the other hand the Arab nations were utilizing weapons supplied principally by the Soviet Union.

While it is possible to state at this time that the performance of some of the newer systems was outstanding, it is too early to fully assess and evaluate the military lessons which should receive the attention of the Defense Department as well as the Congress.

However, there can be no doubt that the presence of U.S. aircraft carriers in the Mediterranean was the key to the

survival of Israel in the face of this sudden and overpowering military aggression.

Because of the unwillingness of our NATO partners to assist us in aiding Israel, it was necessary to fly planes from the mainland United States to Israel, using only aircraft carriers as landing fields and supply points enroute.

For many years I have argued strongly that aircraft carriers are indispensable in a world in which three-fifths of the surface is covered by water. The use of our carriers in the Mediterranean and the President's deployment of a carrier task force into the Indian Ocean were key moves in assuring the survival of Israel.

Columnist Bill Anderson of the Chicago Tribune has written an article on this point in the November 1, 1973, issue of that outstanding newspaper. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**HOW DO-NOTHING ALLIES STRAINED UNITED STATES**

(By Bill Anderson)

WASHINGTON.—One of the many lessons to come from the Middle East war is that the United States military—for the second time since 1970—found it could not count on European allies when it came to a crunch.

Had it not been for Navy carriers, the Israel resupply airlift also might have failed and this would have changed the ending ultimately written on the Sinai Desert. The carriers, three of them as it turned out, acted as landing fields for A-4 jets and as refueling stations for F-4s flown to Israel as replacements.

Still, the absence of cooperation from partners in the North Atlantic Treaty Organization stretched the limits of the American military to a nearly incredible degree. The picture we obtained from Washington sources is this:

The United States Navy, backbone of the American presence in the Mediterranean, was drastically outnumbered by the Russians. At this writing, the Soviets have continued to increase their naval forces in the area, bringing their surface strength to about 90 ships.

What troubled the American navy perhaps more than the numbers [we had about 66 surface ships toward the end of the drama] was the logistics. In regular times, the combined U.S. military presence can draw directly on its resources from Spain, Italy, Greece, and even Turkey along the southern flank of NATO.

When the allies refused to cooperate [and this included West Germany and England], the supply chain for the United States became almost 6,000 miles long. Even with aerial resupply tankers, this strains the ability to move conventional jet fighters. It also means that oil for ships has to be more carefully calculated in the long supply runs.

But by a stroke of luck, the carrier Franklin D. Roosevelt had been on maneuvers in the Atlantic, and she came to the rescue of planes flying the first leg of the long haul to refurbish the Israeli air force. Navy intelligence and estimates of the potential confrontation had also resulted in correct evaluations in enough time to get the supplies rolling.

In fact, the Navy foresaw the potential for Soviet intervention long before Western diplomats were willing to concede that

Russia would dare place its own men directly in a combat environment in the Middle East.

Naval intelligence in the Mediterranean is far better than imagined in some quarters, perhaps because it is always under the gun. For example, the Navy has been aware for some time of the exact number of Russian submarines operating in the area. Those vessels outnumber our submarines there almost four to one.

Altho some of the Russian equipment is nuclear powered, there are large numbers of diesel "Fox Trot" types operating with missiles that can be targeted to surface ships. [They have only a few short-range antiballistic-missile submarines in the area and have held back two helicopter carriers in the Black Sea.]

"You can say that it was a very bad place to get into a fight," said one of our sources.

It was pointed out that thruout the crisis that Russian submarines tracked most of the surface elements of the U.S. Sixth Fleet and used satellites for double checking—and do so even today. Land-based Soviet air power, which did not materialize over the ocean areas in any large numbers, would drastically complicate the problem in any future emergency.

As it was, Russia overflew Turkey with her transports containing SAM-6 missiles, which destroyed well in excess of 100 planes in the Israeli air force. Portugal was the only partner in NATO which permitted the United States free access to bases developed over the years. There was some under-the-counter support from two other allies, but nothing overt or directly traceable in a diplomatic way.

The estimates here are that the European nations that they were buying this winter's supply of oil by not assisting the United States. It is the American military estimate that if the Western world loses control of the Middle East, the oil supplies will then be totally dominated by Russia.

**LACONIA'S WOMAN OF THE YEAR**

Mr. MCINTYRE. Mr. President, on October 23 the Laconia, N.H., Business and Professional Women's Club presented its 1973 "Woman of the Year" award to Mrs. Julia Elizabeth "Betty" Jessup. This was a wise selection and one which gave pleasure and satisfaction to all of us who know Betty Jessup or her work.

Laconia is my home town, Mr. President, and there are few, if any, in our town who do not know Mrs. Jessup or her work.

Like all close communities, Laconia collectively rejoices over the individual triumphs and achievements of her citizens, and collectively grieves over their individual sorrows.

On that week of October 23, Mr. President, Laconia did both, for as Betty Jessup was winning personal recognition for her multiple achievements as a nurse, as a wife, mother, and homemaker, as a teacher, a church, and civic leader, she was losing her husband of 32 years, the late Dr. James Jessup, who passed away only hours after the award presentation.

I would like to take this opportunity, Mr. President, to express my sorrow over Betty Jessup's loss as I extend my congratulations on her selection as Laconia's Woman of the Year.

Betty Jessup is a nurse, pursuing that

career from the time of her graduation from Skidmore College's School of Nursing, and serving, successively, as medical supervisor at the American University Hospital in Beirut, Lebanon; as obstetrical supervisor at Mt. Auburn Hospital in Cambridge, Mass.; as supervisor and instructor at New Haven Hospital and the Yale School of Nursing; and, for the past 15 years, obstetrical nurse at the Lakes Region General Hospital in Laconia, where she has been assistant director on nights for the past 4 years.

She is past president of the Graduate Nurses Association; past president, past secretary, and now board member of district III of the New Hampshire Nurses Association; is on the committee on nursing education of that association; and teaches home nursing, mother and baby care courses for the American Red Cross.

But Betty Jessup is more than a nurse who, through the years has comforted, served, and treated and taught apprehensive mothers-to-be, the hopelessly ill, accident victims, the elderly, and nursing students. She was the wife and helpmate of Dr. James Jessup, whom she married in Beirut, Lebanon in 1941, and is the mother of three; a church leader; and an active participant in the life of the Laconia community.

Betty Jessup is past adviser for the youth group at the Congregational Church; teaches Sunday school; teaches poise, homemaking, and adult life preparation to teenage girls in the Latter Day Saints Church "Mutual" program; and teaches social relations in the Women's Relief Society. And she demonstrates responsible citizenship by serving on the board of directors of the League of Woman Voters.

I am confident, Mr. President, that Laconia's "Woman of Achievement—1973" was so designated not for her professional prowess, not for her homemaking; not for her church and community activities, but for the truly admirable way she has combined these achievements, honoring each and slighting none.

#### IN SUPPORT OF PUBLIC FINANCING

Mr. BIDEN. Mr. President, on numerous occasions, I have stressed my continuing strong support for the public financing of Federal elections. As the debate concerning this concept continues, I have become increasingly convinced that no matter how well-intentioned campaign reform legislation is, stronger measures are needed to restore the American peoples' faith in the electoral process. Our citizens have become disgusted with the proliferation of illegal activities that have marred recent elections and demand that such illicit behavior be prevented in the future. By removing a candidate from the potentially corroding dependence upon large contributors, public financing would be a major step toward improving our elections. Candidates would have to address themselves to the vast majority of our people, not the very rich who have always provided the funds necessary to run for

office. In short, public financing would allow a return to the one-man, one-vote concept that originally was incorporated into the election process.

Philip M. Stern, writing in the Washington Post on October 7, 1973, discusses the public financing of elections and raises some new arguments favoring the concept. Addressing himself particularly to the cost inherent in public financing, Mr. Stern suggests some financial benefits that may accrue with the inception of publicly-financed elections. As he states at one point:

If the existence of public financing of elections could have prevented (or reversed) just these two governmental decisions that would have netted the taxpayers a 200-300 per cent return on their public-financing "investment" in the case of milk and a 2,000 per cent return in the case of oil.

Developing the argument even further, Mr. Stern concludes:

The only way to do away with the large contribution is to make it unnecessary; and the only way to do that is to assure each candidate a minimum campaign budget, for which he will be beholden equally to all his constituents—that is, from tax-supported funds.

Mr. President, I concur with Mr. Stern's arguments and ask unanimous consent that the full text of his article, "Politics and Public Financing" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### POLITICS AND PUBLIC FINANCING: A GREAT BARGAIN

(By Philip M. Stern)

With remarkable rapidity, public financing of elections has suddenly become an enactable and widely debated program. It won 38 votes in the Senate on July 26 (not counting seven announced proponents who voted nay on procedural grounds); it was the subject of Senate hearings in September, and it is attracting new adherents who heretofore have been cool or opposed to the idea—ranging from the AFL-CIO to George Spater, the former chairman of American Airlines who admitted responding to Nixon fund solicitation with a \$55,000 illegal contribution of corporate funds.

As the debate proceeds, new facts and arguments for public financing are being advanced and some old objections are being answered. For example, some new calculations by the Center for Public Financing of Elections may allay one of the main fears about federal aid to campaigns: the potential cost to the taxpayers, especially if the lure of federal assistance produces a deluge of candidates in primary contests. The Center has calculated that, even under the broadest and most generous plans thus far proposed, the cost of federal assistance in all elections—primary as well as general—for the House, Senate and the presidency, would not exceed \$262 million a year, or \$1.88 for each of the 140 million eligible voters in America.

#### TWO ASSUMPTIONS MADE

Seeking to build its cost overruns into its projections, the Center's \$1.88-per-voter figure assumed a trebling of the number of congressional primary candidates over those who filed in 1972. But the Center also found that even if the number of candidates were to quadruple, rather than merely treble—

that is, even if an average of 14 House candidates in each congressional district and 26 Senate candidates in each state were to enter the primaries and qualify for federal assistance—that would merely add 30 cents per eligible voter to the annual cost of public financing of elections.

Even then, the cost per voter would be little more than \$2 per year. That is about one-hundredth the projected cost over the next decade of cleaning up the environment—surely not an excessive price for cleaning up American elections.

#### BARGAIN OF THE DECADE

Indeed, public financing of elections would be the greatest bargain of the decade for taxpayers and consumers, since it would remove the hidden costs of financing elections, which mount into the billions every year.

Take, for example, just two governmental decisions that were hugely expensive to the public. The first involves the \$500 to \$700 million in higher milk prices that apparently resulted from the contributions to the Nixon re-election campaign by the major milk producers. Prior to the dairymen's display of generosity, the Secretary of Agriculture could find no evidence to justify an increase in the government support price of milk. But after the dairymen had met personally with the President and after they had begun pouring what became more than \$400,000 into the Nixon campaign chest, the Agriculture Secretary discovered new "evidence," and announced a boost in the support price of milk that is now costing millions of milk buyers some \$500 to \$700 million a year in higher milk prices—twice to three times the maximum annual cost of federal campaign assistance.

Second, in 1970, Mr. Nixon refused to abolish oil import quotas, as recommended by his own Cabinet task force, and thereby deprived tens of millions of oil consumers of a \$5 billion annual saving—20 times the yearly cost of public election financing. That is, the President sided not only against his own Cabinet's portrayal of the national interest but against tens of millions of consumer-voters and in favor of a single industry whose members had contributed at least \$500,000 to his 1968 election campaign.

If the existence of public financing of elections could have prevented (or reversed) just those two governmental decisions that would have netted the taxpayers a 200-300 per cent return on their public-financing "investment" in the case of milk and a 2,000 per cent return in the case of oil.

Is it reasonable to suppose that public financing could have that effect? I think so. In the milk and oil cases, the influence of big contributors was potent enough to prompt a President, faced with the task of raising millions of dollars from private sources, to risk angering millions of voters. But suppose, in both cases, that public financing had been in effect, with the campaign fund assured in advance, and with the President beholden equally to every voter for it. Under those circumstances, wouldn't a politically-sensitive President be far more inclined to side with the millions of voters rather than with the handful of donors?

#### CAPITAL GAINS TAXES

Certain tax preferences, whose benefits are confined to the very rich, represent an even more blatant flouting of the one-person-one-vote principle—at enormous expense to the average taxpayer who contributes little or nothing to political campaigns. For example, the favored taxation of capital gains costs the taxpayers \$14 billion a year. Who benefits from that tax preference, and who foots the bill? Hard Internal Revenue Service statistics provide the answer: 90 per cent of all taxpayers receive no capital gains and are



thus wholly excluded from the blessings of this tax favor; only 1 per cent receive a significant amount of capital gains each year. That means that the lowest 99 per cent of the people are footing a \$14-billion bill for the top 1 per cent.

Now, given that astounding 99 to 1 ratio, why aren't more candidates for office clamoring for the repeal—or at least the substantial tightening—of this preference-for-the-rich-only? The answer lies in the universal dependence of candidates on large contributors.

An illustration will show this is more than pure surmise on my part: in 1970, Joseph Duffey, then a candidate for the U.S. Senate from Connecticut (as well as national chairman of ADA), had the temerity to propose repealing the capital gains preference. And what happened? First a businessmen's fund-raising lunch in New York was abruptly canceled; then, many of Duffey's wealthy (albeit liberal) contributors descended upon him in indignation. Such a reaction hardly encourages a candidate with a million-dollar campaign budget to espouse causes offensive to the wealthy, from whom the bulk of his campaign funds emanate.

But, if all candidates for federal office could be assured in advance of a minimum campaign budget, supplied equally by all the voters, reforms that offend the wealthy would no longer be politically "out of bounds," far more candidates would be willing to debate them, and, as candidates' silence was broken and the public became educated as to who was benefitting and who was paying the bills, I believe that many of these preferences for the rich would soon be repealed or substantially tightened. To the extent that is true, then the billions that now are affected by these preferences must be reckoned as part of the cost of the present system of private, fat-cat-dominated financing of campaigns.

Public financing would net far more than a dollars-and-cents return. It would open up politics not just to new ideas but to new faces. In his forthcoming book, "Who Shakes the Money Tree," George Thayer argues that federally provided campaign funds would merely serve to entrench those already in power. But a new study of the 1972 elections by Common Cause shows that it is the present system that favors the incumbents and deters their challengers. In the 1972 congressional campaigns, incumbents raised more funds than challengers, on the average by 2 to 1. They were especially dominant over challengers in attracting the funds of organized groups of contributors.

This, of course, merely compounds the advantages inherent in officeholding (greater public renown, better access to the mass media, government-paid staffs and mailing etc.). Little wonder that, since 1954, more than 90 per cent of House incumbents who have sought re-election have successfully fended off challengers.

#### UNCONTESTED ELECTIONS

Even those figures don't tell the whole story, for they do not speak of the remarkable number of congressional elections that, under the present system, are uncontested. In 1972, fully half of all House primary elections were uncontested. Even in the general election, the winning candidate had no opposition in 53 congressional districts. Lack of money is of course not the sole cause, but it is surely a major factor.

But the heart of the problem lies in the universal candidate dependence on large contributors—and by large contributors, I do not mean solely the super-rich like W. Clement Stone, who has bestowed no less than \$4 million on the 1968 and 1972 presidential

efforts of Richard Nixon. It goes much deeper than that.

After all, only a tiny fraction of the population can afford to give \$100 or more to a single political candidate. And yet, two-thirds of all congressional campaign funds raised in 1972 came from \$100 and over contributors. Even in the case of Sen. McGovern, whose direct-mail solicitation of small gifts was remarkably successful, \$21.3 million of his 1972 presidential campaign funds came in gifts of \$100 and more.

Tighter disclosure laws will not reduce that dependence on large givers; neither will ceilings on campaign spending, which still leave candidates faced with the need to raise large amounts of money. It's doubtful, too, that tax incentives alone will solve the problem: such incentives were in the law, in 1972, yet nearly two-thirds of all congressional campaign funds still came from a small segment of the population.

The only way to do away with the large contribution is to make it unnecessary; and the only way to do that is to assure each candidate a minimum campaign budget, for which he will be beholden equally to all his constituents—that is, from tax-supported funds.

And why not? Election campaigns are, after all, very much the public's business—and one of the few examples of the public's business not financed by tax-supported money. Every other aspect of elections—registration, printing and counting of ballots, purchase of voting machines, etc.—is paid for by the taxpayer, in the interest of honest elections. Private financing of those activities would be unthinkable.

Yet campaigns are an integral part of the election process; why should they be entirely privately financed, especially in the face of the overwhelming evidence that the present system badly warps the entire democratic process, giving vastly more weight to the big giver than to the average voter?

#### S. 1739, INCLUSIVE TOUR CHARTER BILL

Mr. MOSS. Mr. President, once again the consumers of this country are being confronted with untruths concerning pending legislation designed to benefit them. Once again arguments are being used; the legislation will "put us out of business," the legislation will "undermine" existing structures; or the legislation will "destroy competition."

And so when we hear these same arguments we must look at the bill to which are being attributed the same old tired arguments.

In this instance, it is the inclusive tour charter concept as embodied in S. 1739 reported by the Senate Commerce Committee on September 11, 1973, that is the recipient of this tirade of untruths. I first introduced an ITC liberalization bill in the 92d Congress. We held several days of hearings in the Commerce Committee on the measure, and I reintroduced the bill as S. 455 in the 93d Congress. Hearings were again held on the legislation in the 93d Congress, and the record is replete with examples of how inclusive tour charters can and do provide the vacationing public with an inexpensive and convenient method of enjoying the increasing recreational opportunity and leisure time with which our society enjoys.

This legislation is needed because the Civil Aeronautics Board has been unwilling or unable to comprehend the need for relaxation of ITC rules. But even beyond permitting the CAB to eliminate restrictions on ITC's, the Congress by enacting S. 1739, will require the Board to eliminate the burdensome restrictions on interstate commerce which have hindered the development of ITC's.

The principal objection voiced to the legislation has been that ITC's will undermine scheduled service. This is absolutely untrue as the legislation has been drafted. But lobbyists against this significant consumer proposal have resorted to untruths, innuendo, and threats of doom in order to achieve their objectives.

Now, how would the ITC mode serve the consuming public? Simply by removing restrictions which preclude the American people from making the best use of their vacation dollars.

The most vigorous consumer group involved in aviation matters, the Aviation Consumer Action project, which has repeatedly gone to the courts to throw out CAB decisions which were not in the public interest, has endorsed S. 1739. Particularly noteworthy is a letter from Rubin B. Robertson III, the director of the Aviation Consumer Action project. In this letter is the statement that "their effort—Air Transport Association—has been characterized by an utter lack of factual substantiation for their claims, combined with gross distortions of what the legislation says and what effects it will have." The Aviation Consumer Action project goes even further in pointing out that this vicious lobbying campaign is being unwittingly financed by the consuming public. The irony of individual citizens paying for the demise of a proposal to benefit them is disturbing if not shocking. I wrote a letter to CAB Chairman Robert Timm, recommending that the lobbying expenses used to fight S. 1739, be excluded from the rate base during the next round of scheduled air line fare increases. There is absolutely no reason why the traveling consumer should be financing a lobbying effort featuring untruthful and unethical assertions designed to prevent his taking advantage of a proven method of taking economical vacations.

Mr. President, I ask unanimous consent that a letter addressed to the distinguished Senator from Nevada (Mr. CANNON), chairman of the Aviation Subcommittee, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AVIATION CONSUMER ACTION PROJECT,  
Washington, D.C., October 2, 1973.

HON. HOWARD W. CANNON,  
Chairman, Subcommittee on Aviation, Committee on Commerce, Washington, D.C.

DEAR SENATOR CANNON: As you know, the Aviation Consumer Action Project has been a vigorous and independent advocate of consumer interests in aviation and tourism since its establishment over two years ago. We have consistently urged the airline industry, the Civil Aeronautics Board and various committees of Congress that the public

interest and that of the industry will be mutually served by opening up opportunities for low-cost air travel and developing a more healthy competitive environment. Repeatedly, the response of the scheduled carriers has been to oppose any and all needed reforms, demand higher fares and reduce the level and quality of service, making air travel all the less accessible to the great majority of potential customers.

Again the pattern is showing itself as the Senate prepares to vote on S. 1739, which has been favorably reported out by the Commerce Committee. The scheduled airlines and their trade organization, the Air Transport Association, are putting on a massive lobbying campaign in a last-ditch effort to kill this important consumer legislation. Their effort has been characterized by an utter lack of factual substantiation for their claims, combined with gross distortions of what the legislation says and what effects it will have. In reality their opposition to this legislation has been waged through a nationwide campaign of scare tactics and falsehoods. Most outrageous, perhaps, is that the hundreds of thousands of dollars being expended by the airline cartel to defeat this consumer legislation ultimately comes out of the airline passengers' own pockets through air fares that will include this as a cost of doing business.

We wish to make clear ACAP's support for the liberalization of airline charter restrictions which will be accomplished by S. 1739. If this bill is enacted, Americans will enjoy the same opportunities for low-cost vacation travel that Europeans and Canadians have had the benefit of for years. It will help to strengthen the dollar by encouraging foreign tourists to visit the United States (and Americans to get to know their own country, as well). There is no basis whatever for the argument that single-stop ITC authority will eliminate or reduce scheduled service to any community or will put any airline out of business—especially since the scheduled carriers as well as the supplementals will have this authority.

A recent poll by the Gallup organization commissioned by the Air Transport Association shows that only slightly more than half of all Americans over 18 have ever flown on a scheduled airline, and over 77% of their passengers have annual incomes of \$15,000 and up. This is indeed a stunning revelation of how the industry, with the CAB's blessing, has virtually priced out of their market all but a small group of upper-income and expense-account travelers. Nothing could demonstrate more clearly the need for reforms which will make low-cost air travel reasonably accessible to the great majority of middle- and lower-income Americans.

The scheduled airlines' fight against S. 1739 in reality reflects their dog-in-the-manger attitude toward the public and the supplemental carriers, who they hope will be forced out of business if this legislation is defeated. But why should they really oppose a means by which travel possibilities can be made available without unreasonable restrictions to the great numbers of people who don't fly now? Instead of trying to strangle this innovation, airline managements should be eagerly anticipating the huge new potential markets which may be opened up, and the tremendous possibilities for growth. It makes one wonder, indeed, why their shareholders are willing to put up with second-rate cartellies instead of first-rate growth companies.

We urge you to continue your vigorous efforts to see S. 1739 enacted into law.

Very truly yours,

REUBEN B. ROBERTSON III.

Mr. MOSS. Mr. President, I firmly support S. 1739, and I believe that most American citizens, if they were able to obtain the truth about this legislation would similarly support it. But whether the bill wins or loses, I must comment upon the current state of lobbying in Washington.

All of us, save perhaps the legislators from the metropolitan Washington area, must frequently make use of air transportation services. Similarly, we frequently have local officials pleading with us to encourage one carrier or another to improve service to our communities. Finally with campaign financing in a somewhat hazy state of having passed the Senate, but not yet being considered in the House, there are always coercive pressures hanging like unanswered questions.

We cannot fulfill the trust placed in us by the voters if we are subjected to unwarranted pressures surrounding a piece of legislation. The innuendoes of service curtailments if ITC legislation is enacted, are as despicable a form of bribery as money under the table.

#### THE GENOCIDE CONVENTION

Mr. PROXMIER. Mr. President, the Genocide Convention adopted by the General Assembly of the United Nations, and signed by the United States in 1948, was submitted for Senate ratification by President Truman in 1949. Under this convention, the commission of specified acts with intent to destroy national, ethnic, racial or religious groups as such, is made a crime under international law.

The Genocide Convention has as its stated objective the preservation of man's most precious right: the right to live. When this Convention was first submitted, only five nations had ratified it. Today 75 nations have ratified it, including all of our major allies.

It certainly seems to be mystifying that the United States has failed to ratify a convention which is so closely identified with its best traditions. Over the years our shores have been a beacon for human rights—the only hope of freedom for millions. It is important that the Senate again seize the initiative and ratify this Convention during the current session, thereby renewing our dedication to the cause of human rights.

Mr. President, I urge my colleagues to give this matter their most serious attention.

#### SOLAR POWER HAS BRIGHT FUTURE

Mr. BIDEN. Mr. President, present crises in energy supply dramatize the immediate need for new sources of power. I was therefore pleased to read in the October 29 issue of *Industry Week* magazine an article entitled "Solar Power Has Bright Future." I would like to bring this informative article to the attention of my colleagues.

The article describes an experiment being performed by planners at the Institute of Energy Conversion of the University of Delaware. They have built a house, called Solar One, with a roof of solar cells that act as collectors and converters of solar energy. Solar One is being operated to collect information and try out new ideas for potential uses of solar energy.

A solar scientist in Ohio feels that solar energy can be put to practical use today, with today's technology, except in the area of heat storage. Without any equipment for it, however, solar energy would provide 40 to 50 percent of a home's heating and cooling needs, but if energy could be stored for just a few weeks, 90 to 100 percent of the home's energy needs could be provided.

Because of the enormous potential for solar energy, I hope the Delaware experiment, as well as those being conducted in other parts of the country, will prove successful. In the meantime, however, I think we ought to be aware of the work going on and support it wherever productive. A recent National Science Foundation-NASA study projects that 10 percent of all buildings constructed by 1985 will have solar climate systems. It appears that a new technology is fast becoming a part of everyday reality.

I ask unanimous consent that this article be printed in the *Record*.

There being no objection, the article was ordered to be printed in the *Record*, as follows:

#### SOLAR POWER HAS BRIGHT FUTURE

While "energy crisis" has been turning into an everyday term, a number of projects have been started in an attempt to harness our greatest potential source of energy.

People have studied it, written songs and poems about it, feared it, and some even worshipped it as a god. Now, though, scientists around the world are trying to put the sun to a more practical use. They are trying to convert its rays into usable energy that could help allay the world's energy problems.

This summer, the switch was thrown on an experimental house in Delaware that can convert the sun's energy into both heat and electricity. Its planners at the Institute of Energy Conversion of the University of Delaware, Newark, claim it is the first house to perform this dual feat for domestic use.

Solar One, as the house is called, is the brainchild of Dr. K. W. Boer, director of the institute. Dr. Boer and his team of scientists, engineers, and technicians have built a house with a roof that is an array of solar cells. These act as collectors and converters of solar energy. Electricity is stored in lead-acid batteries. Heat is stored by a complex mixture of chemical salts that hold the heat until it is needed—at night or during cloudy periods.

Solar One is being operated to gather data for the widespread use of solar energy and to test specific techniques. The project is partially backed by the Delaware Light & Power Co.

As an associate of Dr. Boer says, "We don't expect solar energy to provide all the heat and power for homes. But if we can supply 50% to 80% of a home's power from the sun, a utility company would not have peak load problems."

There are indeed many reasons why scientists are looking at the sun as a potential source of energy for man. One major reason is that the potential is so large.



The total influx from solar, geothermal, and tidal energy into the earth's surface environment is estimated to be  $173,000 \times 10^{12}$  watts. Solar radiation accounts for 99.98% of it. The sun's contribution to the energy budget of the earth is 5,000 times the energy input of all other sources combined.

Radiant energy from the sun is readily convertible to heat, with the only requirement a surface which can absorb the solar energy. If the surface is black, more than 95% of the radiant energy is absorbed and converted to heat. If a fluid, such as air or water, is then brought into contact with the heated surface, the energy can be transferred into the fluid and used for practical purposes.

Theoretically, the heated fluid produced in a solar collector can be used anywhere that conventional fuels are used. Glass-covered flat-plate solar collectors can deliver heated air or water at temperatures of 100 to 200 F., useful in house heating, domestic water heating, crop drying, and many other areas.

The sun is already being put to such uses. In Japan, solar water heaters dot many a roof. In the U.S., many small businesses are springing up, making and selling swimming pool heaters, hot water heaters, solar collectors, and other devices. Now, big business has taken an interest.

#### MARKET STUDY LAUNCHED

In May, Arthur D. Little Inc., Cambridge, Mass., started a multiclient study to evaluate means of creating a new market for solar climate control.

Dr. Peter E. Glaser, vice president and head of engineering sciences at Arthur D. Little, is director of the project. Dr. Glaser is convinced the time for solar energy is now. "If you look at the total amount of energy we use in this country for household and commercial purposes, it is 21%. We use electric power for this purpose and natural gas and petroleum products. However, reducing this total by 1% would be equivalent to saving 100 million barrels of oil a year. And, we believe that over the next ten or 20 years, we can approach savings of 5% to 10%, eventually 30%, using solar energy."

The Arthur D. Little study is aimed at bringing these numbers closer to reality. The research firm anticipates that new markets for solar climate control systems (heating and cooling) will approach \$1 billion worth of equipment over the next ten years. These systems will include solar collectors, heat storage systems, sources of auxiliary energy, heat-actuated air conditioners, auxiliary equipment such as piping, valves, pumps, motors, and on-site power generation, using solar cells to convert solar energy directly to electricity.

The study is aimed at helping industry to realize this goal. First it will identify potentially successful businesses associated with solar climate control, the prerequisites for their success, and ways by which they can be integrated into the construction industry. Secondly, it will evaluate specific hardware and formulate more detailed business approaches. Finally, the study team will assist individual sponsors who decide to initiate business activities in solar climate control.

Dr. Glaser emphasizes that it is not a research program, "but a project to develop practical applications in heating and cooling which conserve conventional energy resources with no detrimental effects on the environment."

Dr. Glaser also points out that within three years he expects various products, associated with solar energy, to appear on the market. Then, depending on how the energy picture develops for all fuels, it is possible that in five years, some firm will be offering a total heating/cooling system for homes.

The major problem to overcome, oddly

enough, is not technical but a business problem. The construction industry is so vast and complex that no one is yet sure where and how solar heating/cooling will fit in.

There is another approach that some scientists think could make use of the vast amounts of solar energy that reach our planet. This is by setting up central power stations that would collect solar energy, convert it to electricity, and distribute it to users.

For about a year now, a joint study by the University of Minnesota and Honeywell Inc., Minneapolis, has been working toward this goal. Roger N. Schmidt, manager of solar energy programs at Honeywell, says design of a working model for such a system has been completed and construction should be done by February. One year from now, he says, we will know whether we can collect solar energy with this device and do it at an efficiency of 50% to 60%.

The device is a troughlike shape that is 15 ft long—actual devices would be 40 ft long. It is 4 ft wide (the full-size version would be 10 ft wide) and the inner surface is coated to reflect solar energy onto a heat pipe running down the center of the trough. The pipe conducts absorbed heat to one end where it is used to change water to steam to power an electric generator.

Dozens of the larger version of the collection troughs would be laid out in a remote area, possibly in the Southwest, where they would feed their collected energy to a central powerplant.

Such a solar farm, as Honeywell calls it, could also serve another use. The shade provided by the large troughs would permit grass to grow. Thus cattle could be grazed on this land.

Among the recent proposals for generating electrical power by collecting solar energy in outer space and beaming it to earth via microwaves is one designed by J. T. Patha and G. R. Woodcock, Boeing Co., Seattle.

They told participants at the Eighth Intersociety Energy Conversion Engineering Conference, Philadelphia, that while major engineering development strides will be required to make such a system feasible, the technology is a simple, plausible extrapolation of what we already know today. At least, it is no more or no less feasible than large-scale systems that would be earth-based, they note.

#### MAJOR TECHNICAL PROBLEM

Just about all the solar scientists claim that solar energy can be put to practical use today, with today's technology. All do admit, however, that there is one area where the technology can stand some improvement.

Jim Eibling, a solar scientist at Battelle Memorial Institute, Columbus, Ohio, explains this deficient area: "What we need are better ways to store heat energy." Without any equipment for storing heat, he points out, solar energy could provide 40% to 50% of a home's heating and cooling needs.

"However, if we could store this energy for just a few days, we could provide 75% of a home's heating and cooling needs. And, we could get up to 90% to 100% if we could store energy for a few weeks."

Some of the more primitive solar energy houses in the U.S. (there are only a dozen or so, usually built by individuals) use stones or gravel to store the heat of the sun. (With today's storage capabilities, these solar houses also use auxiliary heating systems for those periods of prolonged cloudiness.)

Salt mixtures are also being tried by several research teams. The importance of this area of research is indicated by Mr. Eibling: "With present day technology, the average house in the U.S. could get all its energy

needs from the sun, if we had long-term storage techniques."

But no one is waiting for this breakthrough. Solar energy projects are moving ahead now. And, a recent National Science Foundation-National Aeronautics & Space Administration study projects that 10% of all buildings constructed by 1985 will have solar climate control systems. That means a \$1 billion market over the next ten years.

#### EMERGENCY APPROPRIATION FOR AID TO ISRAEL

Mr. HUMPHREY. Mr. President, today I testified before the Foreign Operations Subcommittee of the Appropriations Committee in favor of the President's \$2.2 billion budget request for emergency military assistance for Israel. I told Senator INOUÉ's subcommittee that with this legislation the administration is proposing a plan of assistance which carries out the clear intent of the Senate as expressed in Senate Resolution 189 now cosponsored by 70 Members of this body.

I believe that prompt consideration of this legislation will do much to uphold the balance of power in the Middle East and thus increase the chances of maintaining the cease-fire. As I said in my testimony:

Only a strong Israel will be able to convince Egypt, Syria and their allies that a resumption of the war is fraught with serious and certain danger to their forces.

Mr. President, I believe a very strong case can be made that Israel has a definite military and economic need for this emergency assistance. An article in the New York Times by Mr. Terrence Smith documents the severe financial burden caused by this war for the Israeli Government and individual citizens.

Mr. President, I ask unanimous consent that my testimony before the Appropriations Committee, a copy of Mr. Terrence Smith's article, and a copy of Senate Resolution 189 with a complete list of cosponsors be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR HUBERT H. HUMPHREY BEFORE THE FOREIGN OPERATIONS SUBCOMMITTEE, NOVEMBER 5, 1973

Mr. Chairman, I appear today before your distinguished Subcommittee in support of the President's proposal to authorize \$2.2 billion in military grant assistance and credit sales to Israel.

I consider this legislation imperative to the maintenance of peace in the Middle East.

If the balance of power is to be upheld, if the ceasefire is to continue, and if direct negotiations are to occur, the Arab world and the Soviet Union must realize that Israel cannot be overwhelmed by military force.

Only a strong Israel will be able to convince Egypt, Syria and their allies that a resumption of the war is fraught with serious and certain danger to their forces.

Only a strong Israel will be able to convince the Soviet Union that it must restrain its Arab friends in order to avoid the expenditure once again of billions of rubles to resupply Arab armies and air forces.

I support the President's request in the spirit of a genuine bipartisan foreign policy.

With this legislation, the Administration

is proposing a plan of assistance which carries out the clear intent of resolutions sponsored by over two thirds of the Senate and sixty percent of the House.

I am sure that we realize that this figure of \$2.2 billion is but an estimate of Israeli needs. It is imperative that the Executive Branch, with the close cooperation of the Appropriations Committees and the Committees on Foreign Relations and Foreign Affairs, arrive at a figure based on careful evaluation and documentation of Israeli losses and future requirements. We do not want to appropriate large sums of money in a hurried manner without adequate safeguards.

On the question of the Administration's request for \$200 million for Cambodia, I believe the Congress should carefully consider the needs of the Cambodian government for these additional funds. I do not believe the Cambodian people should be left defenseless in the face of increased fighting which will likely come at the beginning of the dry season in December. But a note of caution should be voiced. This commitment to supply ammunition should not be expanded in a manner contrary to the law which states that American combat involvement in Indochina be terminated.

On October 18 I introduced S. Res. 189 which called for the United States to maintain Israel's deterrent strength by continuing to transfer to Israel, by whatever means necessary, phantom aircraft and other equipment. On that day I was joined by 66 of my colleagues in this expression of support for Israel. We were endorsing on-going efforts by the President and Secretary Kissinger to provide Israel with the equipment needed to defend itself from Arab aggression. An additional three members of the Senate have since cosponsored this resolution, for a total of 70 sponsors.

I believe a definite and pressing need now exists to justify the authorization of this emergency appropriation.

It has become evident that the military losses suffered by Israel were due, in part, to its unwillingness to launch a preemptive first strike in order to preserve the cease-fire initiated by our government. In the early hours and first days of hostilities, Israel lost aircraft and armor in such amounts as to threaten its capability to deter the advance of the Egyptian and Syrian armies.

Our resupply efforts announced on October 15 in the face of massive Soviet airlifts to Egypt and Syria prevented the military balance from being upset.

Despite the American resupply, Israel continued to suffer losses in the fighting as a result of the provision of highly sophisticated Soviet anti-aircraft and anti-tank weapons to the Arab forces.

I understand that Israel has lost over 700 tanks and more than 90 fighter aircraft in the conflict. Deputy Secretary of State Kenneth Rush has documented the approximately \$1 billion in military equipment Israel has recently purchased from the United States to replace its losses and keep its supplies at adequate levels.

In view of past Soviet actions in recent weeks, as well as in 1967, we can be sure that the Soviet Union has and is already undertaking resupply efforts to Egypt and Syria which will far surpass American support of Israel. We know that numerous Soviet ships are on their way to Arab ports, not to mention Soviet air cargo transports which land daily in Egypt and Syria.

Mr. Chairman, I believe it is important for the Subcommittee to take note of the tremendous financial burden which this war has placed on Israel.

It has suffered significant losses of costly aircraft and armor.

Its economy has been disrupted, with 30 percent of its labor force mobilized.

The cost in the loss of young men cannot be measured at this time.

It is estimated that the war was costing Israel \$250 million a day. And this rough estimate does not take into account general economic and manpower losses. It is clear that Israel is unable to afford to equip itself with all of the tools needed for its self-defense.

Israel, a country of three million people, already spends approximately 34 percent of its total budget on defense or 20 percent of its total GNP. Before the war an Israeli citizen earning almost \$5,000 paid 50 percent of this sum in taxes. The Israeli government has already announced a compulsory "war loan" which will take another 7 to 12 percent from an individual's taxable income. An income of approximately \$10,000 was taxed at the rate of 63 percent. The pre-war external debt of Israel was about \$4.5 billion. It is the highest per capita external debt in the world.

The individual and collective cost of defense in Israel was astronomical before this war. I am sure that it will become even greater in the weeks and months ahead. Added to these high costs are the continual expenditures for the resettlement and absorption of Soviet Jews which have already cost Israel nearly \$400 million this year.

The sum requested by the President will help to relieve the already enormous burden assumed by Israel to pay for its defense. In view of the still uncalculated costs of this conflict and its undetermined effect on the Israeli economy, I strongly support the provision of this legislation which gives the President authority to determine what percentage of the \$2.2 billion shall be grant military assistance and what portion should be in the form of foreign military sales credits.

I would state, however, that the Administration should notify the Committees on Foreign Relations and Foreign Affairs and the Appropriations Committees in advance of any final determination of the grant-credit apportionment of these funds, as well as supplying a quarterly report of sums disbursed.

Mr. Chairman, there is neither diplomatic nor military stability in the Middle East as we meet today. The situation remains extremely tense despite the presence of U.N. forces and the intense diplomatic efforts underway. Major issues concerning the return of prisoners of war and the ultimate determination of cease-fire lines remain unsettled. These unresolved problems could cause the fighting to resume.

However, it is clear that if Arab forces violate the cease-fire, they would only do so because they perceived that the Israeli forces were in a weakened state. I believe the Congress has a responsibility to prevent such an event from occurring.

An overwhelming Congressional expression of support for Israel has been followed by the submission of a Presidential request to fund emergency military support. I believe we have a responsibility to approve and enact this legislation in the coming days. At stake is not only the defense and security of Israel, but also the success of the negotiations and eventual peace in the Middle East.

#### S. RES. 189

Mr. HUMPHREY (for himself, Mr. BAKER, Mr. BAYH, Mr. BEALL, Mr. BENTSEN, Mr. BIBLE, Mr. BIDEN, Mr. BROCK, Mr. BROOKE, Mr. BUCKLEY, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. CHURCH, Mr. CLARK, Mr. COTTON, Mr. CRANSTON, Mr. DOLE, Mr. DOM-

ENICI, Mr. DOMINICK, Mr. EAGLETON, Mr. FONG, Mr. GRAVEL, Mr. GURNEY, Mr. HART, Mr. HASKELL, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUGHES, Mr. INOUE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MAGNUSON, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. MONTGOMERY, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. NUNN, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PERCY, Mr. PROXMIER, Mr. RANDOLPH, Mr. RIBICOFF, Mr. ROTH, Mr. SCHWEIKER, Mr. HUGH SCOTT, Mr. STEVENS, Mr. STEVENSON, Mr. SYMINGTON, Mr. TAFT, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. TUNNEY, Mr. WEICKER, Mr. WILLIAMS, Mr. MCCLELLAN, Mr. SPARKMAN, Mr. HRUSKA, and Mr. YOUNG) submitted the following resolution, a

Resolution to urge the continued transfer to Israel of Phantom aircraft and other equipment

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an unprovoked attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91-441, as extended, authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself: Now, therefore, be it

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

[From the New York Times, Nov. 5, 1973]

ISRAELIS FACE LEAN TIMES AS COSTLY

WAR ENDS BOOM

(By Terence Smith)

JERUSALEM, November 4.—In the wake of the costliest war in Israel's history, the country is bracing for a prolonged period of severe economic austerity.

Vast defense expenditures, manpower shortages and inflation as a result of accelerated Government spending are all in Israel's immediate economic future, in the opinion of specialists here.

For the average Israeli, the war marks the end of the unprecedented economic boom that began in 1967. It was a free-spending period in which Israelis made more money than ever before and spent it as fast as they made it on cars, television sets and travel abroad.

All that seems likely to come to an end now. "We had our six fat years," Ephraim Dovrat, an economic adviser in the Ministry of Finance, said. "Now we are likely to have a few lean ones."

The cost of the war is difficult to estimate. As a tentative round figure, Government specialists are speaking of about 30 billion Israeli pounds, or roughly \$7.1-billion.

Whether the final figure proves to be a little more or less, it is an awesome amount of money for Israel. This is a country where the national budget for 1973 is less than \$5-billion and the gross national product for the year is estimated at slightly more than \$8-billion.

Beyond the military expenditures, there is a loss from reduced production during the



war, estimated by Mr. Dovrat at two billion Israeli pounds, or about \$480-million. In addition, Mr. Dovrat said that hundreds of millions of pounds of damage had been caused to Israeli civilian and military installations on the Golan heights.

To offset these losses in part, Israel expects to raise about \$1.5-billion in the next year from the sale of Israel Bonds and in the United States and Europe through the fund-raising activities of the United Jewish Appeal. From 70 to 80 per cent of this money has been pledged from the United States, Mr. Dovrat said.

In addition, President Nixon has asked Congress for \$2.2-billion in emergency military aid for Israel. Mr. Dovrat said it was still not clear, however, how much of that money would be in arms credits and how much would constitute a grant.

At home, the Government has increased the high tax rate with a compulsory "war loan" of 7 to 12 per cent of taxable income.

This scheme amounts to a compulsory purchase of Government bonds, which are repaid years later at relatively modest interest rates. Since inflation is rampant in Israel—about 20 per cent last year alone—the money is usually worth far less, interest included, when the Government repays the loan.

The Government has also called on all Israelis who can, to commit themselves to additional voluntary war loans. Itzhak Rabin, the former ambassador to the United States, has been placed in charge of the voluntary loan drive and the response so far has been remarkable. A total of 565 million pounds, or about \$130-million, had been raised through last week. The Government hopes to raise some \$500-million from both the compulsory and voluntary loan.

Further tax increases are planned, Mr. Dovrat said. "I think the public realizes this and is ready for it," he said. "But it won't make it any less painful for the average working man."

#### HIGH LUXURY TAX

With significantly less money in his paycheck, Mr. Dovrat said, the Israeli taxpayer will have to pass up many purchases he might have planned to make in the next year.

"I am talking about television sets and luxury goods," he said. "The items will still be in the stores—the temptation will still be there—but the taxes on them will be so high that few Israelis will be able to afford them."

The major economic task, Mr. Dovrat said, will be to meet the increased defense demands. One Israeli economic writer estimated last week that defense items will absorb 30 to 40 per cent of the nation's manufacturing output during the next year. To achieve this the production of many nonessential items will have to be suspended.

The war has also created a severe shortage of trucks. Thousands of the civilian trucks were mobilized and have been off the roads for nearly a month. Vital supplies backed up in ports and manufacturers are having major difficulties transporting their products.

When the problem reached crisis proportions, Mr. Dovrat said, Finance Minister Pinhas Sapir took a personal hand in solving it.

#### ORDER OF 2,500 TRUCKS

"He got on the phone to about 30 key people in the United States and all around the world," Mr. Dovrat said, "and within 48 hours he had placed orders for the immediate delivery of about 2,500 heavy trucks, many of them from America."

To compensate for the manpower shortage created by the mobilization of the reserves, thousands of pensioners, women and teenagers have been recruited—most set for har-

vesting. As a result, agricultural production has been nearly normal.

Other industries, however, are off anywhere from 50 to 75 per cent. Tourism and the building industry are among the most hard hit, but both of these have begun to pick up in the last 10 days, Mr. Dovrat said.

The economic consequences of the war are already significant, but the crucial question is how long the country will be required to sustain itself on a war footing. If a solution is reached in the next month, most economic specialists see little problem. If the crisis lasts several months, however, and the reserves remain mobilized, the economy will suffer a major setback.

#### THE UNITED NATIONS

Mr. MUSKIE, Mr. President, last week the United Nations celebrated its 28th anniversary—in the midst of yet another world crisis in which the U.N. has played a constructive role in the quest for international peace and stability.

Two thoughtful commentaries have come to my attention recently on the role of the United Nations in the international system today. Prof. Walter S. Schoenberger of the University of Maine, at Orono, has written me a letter on the subject, and Prof. Richard N. Gardner of Columbia University has sent me a copy of his remarks at the Pacem in Terris Conference held in Washington earlier this month. I think these two analyses would be useful to my colleagues, and I ask unanimous consent that they be printed in the Record.

There being no objection, the documents were ordered to be printed in the Record, as follows:

EXCERPTS FROM LETTER OF WALTER S. SCHOENBERGER, PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF MAINE AT ORONO

The United Nations is currently in considerable difficulty. As a result of the inability of the Security Council to resolve the current Middle East conflict, many are once more deprecating the organization. Such criticism overlooks its character and purpose.

Those who wrote the charter attempted to associate the authority to act with the power to make such action effective by requiring that United Nations decisions in substantive matters be subject to the approval of the permanent members of the Security Council. Their assumption was not that the permanent members would usually act unanimously, but that the Council should not act in such matters unless there was approval by the states whose power was necessary to sanction the action. If the Security Council could operate over the objection of a permanent member and against what it perceived to be its interests, a division of power would occur which might lead not only to a weakening of the United Nations but also to war. So the United Nations was not constructed to operate in the case of an issue on which there was a division among the permanent members. Such an issue has emerged in the Middle East.

The problem of public disillusion arises from the fact that the United Nations has been generally oversold and is currently sold incorrectly. Many expect it to do what it cannot do but what they have been told it should be able to do. Despite this situation, however, there are many potentialities which the United Nations promises as useful goals

in the long-range development of an effective world government.

Among the many problems facing the United Nations, I consider these to be of special importance:

1. The United Nations doesn't possess the power to stop conflict among either the major powers or among minor powers on occasions when the permanent members of the Security Council are divided. No state has implemented Article 43 of the Charter so as to provide the United Nations with a military force of its own. Military power rests in the member states. Such United Nations forces as have existed, have been ad hoc national forces, temporarily under United Nations control which has been exercised only under national restrictions. In the present international system of states characterized by ideological, national, and strategic conflicts of interest, no government has been willing to place military power in the hands of an organization which it might not be able to control and which might use such force in actions against what it considers to be its national security. In other words, the member states will not provide the United Nations with the power it needs to fulfill its obligation to maintain international peace and security. This situation is a result of the semi-anarchistic international system of states and will not be significantly changed until an effective global community develops as a basis for world government. To suggest that the United States implement Article 43 would be an exercise in futility. Neither it nor other member states will do it under present circumstances.

2. As the number of member states has proliferated, as the Security Council has run afoul of the veto, and as the General Assembly with but limited authority to recommend action to the member governments has assumed a larger operational role, the United Nations has declined as an agency through which the major powers attempt to resolve their major international problems. Quite reasonably, none of the major powers is willing to accept the risk of submitting a matter to the General Assembly which it might not be able to control and in which finding a solution may be complicated and prolonged, when the alternative of bilateral or multilateral negotiations outside the organization is available. In short, there has been a growing disassociation in the United Nations between authority and power. A massive majority vote in the General Assembly means little if it does not include the votes of the most heavily populated and most powerful states of the world. One solution to this difficulty might be some form of weighted voting. But an acceptable formula has been difficult to construct; the idea runs against the principle of sovereign equality of states; and, given the opposition of the great number of lesser powers in the organization, any proposal would be almost impossible to adopt.

3. As human interests have progressively become international, many functional agencies have developed to satisfy the resultant needs. One of the most productive areas of United Nations operations has been in the activities of the specialized agencies. But satisfying such functional needs has been impossible to separate from political considerations, and member states are prone to use such agencies for their national purposes rather than to satisfy an international human interest. The problem might be alleviated by modifying national representation in functional agencies, by developing a much larger international civil service, and by channelling more national funds through such agencies on an obligated basis. It is doubtful that the United States or other

powerful states would accept such suggestions.

The United Nations can only be as effective as the member states permit. It is not a world government. It has little power of its own. Humans, organized in nations, do not identify their loyalties and their emotions primarily with it. It has no administrative machinery capable of taking the actions its great purpose requires. It has no legislature to pass laws binding on its members. It has no court system with mandatory jurisdiction. Under these conditions it is surprising that the United Nations has done as well as it has. Despite its inherent difficulties which largely reflect the nature of the international system, the United Nations has been a useful organization both to the world and to the United States.

There are many evidences of its general utility:

1. It has resolved many disputes, among others, those in Korea, the Congo, and Cyprus. It is reasonable to assume that the world's conflicts might have been more extensive and more bitterly contested were it not for the activities of the United Nations.
2. It has furnished a permanently organized forum for the discussion of matters of international interest and an agency which might be used by the member governments to carry on continuing regular diplomacy.
3. It has been the core around which has developed a growing international civil service.
4. It has been a source of multilateral economic aid to developing states.
5. It has promoted research in and alleviation of many of the world's most pressing human and physiological problems.
6. It has promoted human rights in all nations and has been a force against the continuing evils of racism.
7. And last, but by no means least, it continues to exist as an organization from which a world government may develop. If only incompletely utilized in a world of semi-anarchy among states, it has been a force for sanity and for order.

For the United States, it has been a particularly useful agency:

1. Inasmuch as during the history of the United Nations, the United States has been able to muster majority support in its organs for United States policies, the organization has provided widespread, multi-lateral, and well-publicized backing for United States positions.
2. Although in recent years the United Nations has been by-passed in arms limitation negotiations, it still provides a useful forum for the promotion of the United States point of view.
3. The fact that the center is in New York, enhances the prestige of the United States as delegates from all of the world's governments journey here to attend United Nations functions.
4. It is a relatively inexpensive means of propagandizing the United States system and its values.
5. It provides a means by which the United States may use its resources in providing economic aid to developing states, thus removing some of the stigma attached to unilateral aid programs.
6. Assuming that the long-range interests of the United States lie with world peace based on world order, the United Nations is the best existing hope to accomplish such a goal.

One last thought. Many criticize the United States for using the United Nations to promote its own ends rather than to promote the organization itself. Such criticism is unwarranted and unrealistic. Any organization is viable only in terms of its utility. The United Nations can only develop when

member governments believe that they may satisfy their interests by using it. My major concern presently is that states, particularly the major powers, are using the United Nations all too infrequently in resolving their differences. The problem is not that the United Nations is used, but it is not used enough.

#### THE UNITED NATIONS AND ALTERNATIVE FORMULATIONS—THE HARD ROAD TO WORLD ORDER

(By Richard N. Gardner\*)

Has the quest for a decent world order ever seemed so full of contradictions, at once so frustrating and so hopeful? The international institutions established at the close of the Second World War to establish peace, justice and economic cooperation have failed to live up to the world's expectations. Yet never has there been such widespread recognition of the necessity of planetary planning or such an impressive array of ongoing negotiations aimed at the cooperative management of global problems.

The central policy-making organs of the United Nations—the General Assembly, the Security Council and the Economic and Social Council—all seem drained of vitality. They are suffering from a "crisis of confidence," some would even say from "creeping irrelevance." The business of managing the world's political, security and economic problems is increasingly handled elsewhere.

Lord Caradon, the eloquent former British representative to the U.N., liked to say that "there is nothing basically wrong with the U.N. except its members." What is wrong with the members is painfully obvious. Virtually all of them pay lip service to the organization while at the same time pursuing their short-term interests at its expense.

Questions are voted upon less and less with regard to the requirements of law and justice and more and more with a view to bloc affiliations and the protection of other interests. The willingness of U.N. members to risk their short-term interests for the good of the community often seems at the level of the frontier town in the unforgettable Western "High Noon," where the citizens abandoned their lawman as soon as the outlaw was released from jail. If a clear and unambiguous case of aggression came before the Security Council or General Assembly today, there would be little confidence that a majority of members would treat it as such or come to the aid of the victim. The Charter concept of collective security is obviously dead; even for consent-type "peacekeeping," little progress has been made in devising agreed constitutional and financial arrangements.

Given this state of affairs, plans for instant world government carry little credibility. The consensus on basic values and the willingness to entrust vital interests to community judgment is simply not there. One need only picture a world constitutional convention including President Nixon, Chairman Brezhnev and Chairman Mao, Prime Ministers Heath and Pompidou, not to mention Messrs. Castro, Peron, and Qaddafi and Mmes. Golda Meir and Indira Gandhi. What rules and procedures for world government could they agree upon?

The same considerations suggest the doubtful utility of holding a Charter review conference. To amend the U.N. Charter requires the approval of two thirds of the membership, including all of the five Per-

manent Members. If one examines carefully the attitude of U.N. members to specific proposals, one quickly discovers that the most likely consequence of wholesale revision of the Charter would be to diminish rather than enhance the strength of the organization. The Charter of the U.N., like the U.S. Constitution, provides a framework for organic growth in response to new demands and changing realities. As in the case of the Constitution, we are more likely to make progress by pressing to the outer limits of its potentialities through creative use of the existing instrument, seeking amendments only on carefully selected matters where they seem both necessary and capable of adoption by the constitutionally required majority.

If instant world government and Charter review now seems bankrupt of possibilities, so does the old-fashioned idea of achieving "world peace through world law" by means of a greatly strengthened International Court of Justice. The members of the United Nations seem less willing than ever to entrust vital interests for decision to the fifteen men at the Hague, as may be seen from the Court's lack of activity and the small number of countries accepting the Court's compulsory jurisdiction without crippling reservations. This reluctance to take cases to the Court partly reflects lack of confidence in the competence and independence of some of its judges, but even if all of them had the intellectual and moral qualities of a Philip Jessup the basic problem would still remain. Not only are nations reluctant to risk adverse judgments at the hands of third parties they cannot control, they are understandably unwilling to commit themselves to have all controversies to which they may be a party decided according to rules of international law which may be of doubtful legitimacy, incapable of alteration as circumstances change, and uncertain of enforcement. As Professor Julius Stone once put it:

"How satisfactory would the 'rule of law' be if we awoke one bright morning to find that there was no longer any parliament to make laws, and that the only way we could adjust legal rights among us was either by direct agreement between all the individual citizens concerned, or by naked force? But this precisely has always been and is still the final position in the international community and its law. If, without changing this, we tried to clamp the 'rule of law' on States by requiring every dispute to be settled by binding decisions of an international court this would freeze vested rights as they now are, and make it even more difficult to adjust legal rights to rapidly changing conditions. There is obviously not the slightest hope that States will agree to this. But to change this, a rule of law programme would also have to provide some accepted method of changing the law, and of enforcing it as it changes. The feasibility of this in the international as in a national community turns on whether the community as a whole, especially those who wield supreme power, share certain common ethical convictions as to the basic principles of decency between man and man."<sup>1</sup>

If instant world government, Charter review, and a greatly strengthened International Court do not provide the answers, what hope for progress is there? The answer will not satisfy those who seek simple solutions to complex problems, but it comes down essentially to this: Our best hope for the foreseeable future seems to be, not in building up a few ambitious central institutions of universal membership and general jurisdiction as was envisaged at the end of the last war, but rather in the much more decentralized, disorderly, and pragmatic proc-

\*Professor of Law and International Organization, Columbia University; Deputy Assistant Secretary of State for International Organization Affairs, 1961-65; U.S. Member, Board of Trustees, the United Nations Institute for Training and Research (UNITAR), 1969-73.

<sup>1</sup> *Law and Policy in the Quest for Survival* (The ABC Lectures, 1960).



ess of inventing or adapting institutions of limited jurisdiction and selected membership to deal with specific problems on a case-by-case basis, as the necessity for cooperation is perceived by the relevant nations. Such institutions of limited jurisdiction will have a better chance of doing what Professor Stone reminds us must be done to make a "rule of law" meaningful—providing methods of changing the law and enforcing it as it changes and of developing the perception of common convictions and interests that is the prerequisite for successful cooperation.

In short, we are likely to do better by building our "house of world order" from the bottom up rather than from the top down. It will look like a great "booming, buzzing confusion," to use William James' famous description of reality, but an end run around national sovereignty, eroding it piece by piece, is likely to get us to world order faster than the old-fashioned frontal assault. Of course, for political as well as administrative reasons, some of these specialized arrangements should be brought into an appropriate relationship with the central institutions, but the main thing is that the essential functions be performed.

The hopeful aspect of the present situation is that even as nations resist appeals for "world government" and "the surrender of sovereignty," technological, economic and political interests are forcing them to establish more and more far-ranging institutions to manage their mutual interdependence. Consider for a moment the institutional implications of negotiations already underway or likely to be undertaken within the next few years:

We are embarked on an ambitious negotiation for the reform of the international monetary system, aimed at the phasing out of the dollar standard and the improvement of the balance-of-payments adjustment process. The accomplishment of these objectives will inevitably require a revitalization of the International Monetary Fund, which will be given unprecedented powers to create new international reserves and to influence national decisions on exchange rates and on domestic monetary and fiscal policies. The strengthened IMF will probably be able to back its decisions by meaningful multilateral sanctions—uniform surcharges on the exports of uncooperative surplus countries and the withholding of multilateral and bilateral credits and reserve facilities from recalcitrant deficit countries.

We are undertaking a parallel effort to rewrite the basic ground rules for the conduct of international trade and investment. At a minimum, we can expect the strengthening of the General Agreement on Tariffs and Trade to cover a whole range of hitherto unregulated "non-tariff barriers." This will subject countries to an unprecedented degree of international surveillance over hitherto sacrosanct "domestic" policies such as farm price supports, subsidies, and government procurement practices that have transnational effects. New standards will also be developed to regulate protectionist measures to cope with "market disruption" from imports. To make these new rules of the game meaningful, GATT arrangements for consultation, conciliation and enforcement of its decisions will have to be greatly improved. In addition, new standards and new procedures are likely to be developed through the OECD and the U.N. to deal with the activities of multinational corporations and conflicting national efforts to regulate them.

The years ahead will almost certainly witness a continuing increase in the resources of the multilateral development and technical assistance agencies in contrast to static or declining bilateral efforts. This will enhance the authority of the World Bank,

the Regional Development Banks and the U.N. Development Program over the economic policies of rich and poor nations. By the end of this decade, we are likely to have a substantial portion of aid funds channeled to international agencies from sources independent of national decision-making—some form of "link" between monetary reserve creation and development aid and some arrangement for the payment of fees to international agencies for the exploitation of seabed mineral resources.

We are likely to witness a continued strengthening of the new global and regional agencies charged with protecting the world's environment. In addition to the comprehensive monitoring of the earth's air, water and soil and the effects of pollutants on human health, we can look forward to new procedures to implement the principle of state responsibility for national actions that have transnational environmental consequences, probably including some kind of "international environmental impact statement" procedure culminating in recommendations from independent scientific authorities. At the same time, international agencies will be given broad powers to promulgate and revise standards limiting air and open pollution by nations and their citizens.

We are entering a wholly new phase of international concern and international action on the world population problem, which is dramatized by the World Population Conference scheduled for Bucharest in 1974. By the end of this decade, a majority of nations will have explicit population policies, many of them designed to achieve zero population growth by a specific target date. These national policies and targets will be established and implemented in most cases with the help of international agencies. Under their auspices, several billions in national and international resources will be mobilized in fulfillment of the basic human rights objective already proclaimed by the U.N.—that every person in the world should be given the information and means necessary to control the number and spacing of his children.

We can look forward, after several years of very difficult negotiations, to a new international regime governing the world's oceans, including new law on such important matters as the territorial sea, passage through international straits, fisheries, the exploitation of the mineral resources of the seabed, the regulation of marine pollutions, and the conduct of scientific research. To make these new arrangements meaningful, there will have to be tough provisions to assure compliance as well as to provide for the compulsory settlement of disputes.

We will almost certainly have to create new international arrangements to cope with the emerging global politics of resource scarcity. The problem is not only that of increasing total supplies but of assuring their fair allocation between countries. Large parts of the world are dependent on food exports from the United States while the United States is increasingly dependent on oil from the Middle East. Unilateral cutoffs of these vital resources for political, economic or conservation reasons could have grave consequences and could trigger international conflict. In the early days of the Second World War, President Roosevelt and Prime Minister Churchill proclaimed an Atlantic Charter with the postwar objective of "access, on equal terms, to the trade and to the raw materials of the world." In three decades of negotiations since that time, our focus has been almost exclusively on access to markets. In the next decades, we will need to place equal emphasis on new standards and new procedures to assure a fair allocation of scarce resources.

We will need to develop new international

rules and institutions to regulate new communication technologies, notably direct broadcasting from satellites. While providing some safeguards against the unwanted intrusion of foreign broadcasts, these new arrangements should maximize the potential for using satellite communications to promote trade and economic development as well as world culture and understanding. Ways will very likely be found to give the U.N. and other international agencies access to this new technology for both operational and informational purposes. The International Telecommunication Union and other agencies will be given new powers to allocate radio frequencies and satellite parking orbits among competing users.

We will be obliged at some point in the years ahead to move beyond bilateral discussions on strategic arms into further multilateral negotiations to limit the spread of conventional as well as nuclear weapons. It seems inevitable that the U.N., the International Atomic Agency and perhaps regional bodies will be given new responsibilities for the administration of these arms control and disarmament measures, including means of verification and enforcement.

We are likely, despite the constitutional impasse over U.N. peacekeeping, to resort increasingly to U.N. forces to contain local conflicts in the Third World. The arguments over authorization, financing and operational control will be resolved on a case-by-case basis where the interests of key countries converge. The U.S., the Soviet Union and China, in the happy phrase of an American journalist, will each act "more like a country and less like a cause." Under the aegis of the U.N., or possibly in bilateral negotiations, some principles for mutual non-interference in the internal affairs of other countries are likely to be worked out. A corollary of such agreements will be international peacekeeping arrangements to patrol borders, supervise elections and verify compliance with non-intervention norms.

These and other developments that could be mentioned may not add up to "world government" in the old-fashioned sense of a single all-embracing global authority, but they will represent key elements of planetary planning and planetary management on very specific problems where the facts of interdependence force nations in their enlightened self-interest to abandon unilateral decision-making in favor of multilateral processes.

It may be objected that the above catalogue is more convincing as a statement of what nations ought to do in the pursuit of their enlightened self-interest than as a prediction of what they actually will do. Admittedly, the same forces of short-sighted nationalism that have crippled the central institutions of the U.N. may wreck all or most of these specialized negotiations, but I do not believe this will happen.

The reason is that the case-by-case approach is likely to yield some remarkable concessions of "sovereignty" that could not be achieved on an across-the-board basis. The Soviet Union, China and the United States may be unable to agree on the general rules that should cover U.N. peacekeeping in all unspecified future contingencies, but they may well agree on a new U.N. peacekeeping force to implement a Middle East settlement that is otherwise satisfactory to them. The same three countries are unlikely to accept the compulsory jurisdiction of the International Court of Justice over all disputes to which they might be parties, but they may very well agree upon effective third-party machinery for compulsory settlement of disputes on the specific subjects dealt with in a new Law of the Sea agreement where they recognize compelling national interests in getting other nations as well as themselves to comply with the rules.

What is the conclusion of all this for the

foreign policy of the United States? Stated simply, it is that the main preoccupation of U.S. foreign policy from here on in should be the building of the international machinery necessary for the management of mankind's common problems. This means supplementing balance of power politics with world order politics.

Some may argue that the present direction of our foreign policy is incompatible with this approach. This is not necessarily so. The achievement of a better balance of political and economic forces and the normalization of relationships between formerly hostile nations do not constitute world order politics, but they are necessary first steps to make such politics possible. The achievement of a better power balance surely enhances prospects for a world in which power is subordinated to a rule of law. The burying of ancient animosities opens new possibilities for cooperative action on emerging global problems through the United Nations and other international organizations.

One phrase has recurred throughout the foreign policy statements of President Nixon and Henry Kissinger—the building of a "structure of peace." The use of the word "structure" is significant. New political and economic relationships may clear the ground for building a structure of peace, but they should not be confused with the structure itself. To take one example: the Smithsonian agreement of December 1971 which established a more realistic pattern of exchange rates between the dollar and other currencies was a prerequisite to a satisfactory reform of the international monetary system.

But in the absence of a new and acceptable system for changing exchange rates and for settling international accounts, the Smithsonian accord, hailed at the time as "the most important monetary agreement in the history of the world," lasted only 14 months. The recent political achievements in relations with the Soviet Union and China and in relations between the two Germanys could prove equally ephemeral if we do not make the distinction between new relationships and new structures. For an enduring peace system, the former must be reinforced and buttressed by the latter.

There is some evidence that this point is recognized in Washington and that we are in fact at the beginning of a transition from one phase of foreign policy to another. In his first press conference after his appointment as Secretary of State, Dr. Kissinger, after summarizing the achievements of the first four Nixon years, declared: "But now we are in a different phase. The foundations that have been laid must now lead to the building of a more permanent structure . . . that we can pass on to succeeding administrations so that the world will be a safer place when they take over. Now this requires that there be a greater institutionalization of foreign policy than has been the case up to now."

This reference to "institutionalization," to be sure, was in the context of our domestic arrangements for the making of foreign policy. By combining the post of Secretary of State with that of the President's principal foreign policy adviser, the President has assured that the traditional foreign affairs machinery will now be plugged directly into the Presidential policy-making process. But "institutionalization" at the domestic level is likely to lead to "institutionalization" at the international level. For Dr. Kissinger will now turn his attention to the broad range of foreign policy problems that face the country in the years ahead. In addition to his former preoccupation with Southeast Asia and normalization of relations with the Soviet Union and China, the very nature of his new assignment will take him deeper into the reform of the international monetary and trading system, the law of the sea, economic de-

velopment, the protection of the international environment, the world population problem, and the global politics of food and energy, not to mention the search for peace in such trouble spots as the Middle East and Southern Africa. Faced with these new challenges, it would be surprising if Dr. Kissinger did not encourage the foreign policy machinery to look for new solutions through more effective international institutions at the global and regional level.

Such a new emphasis on multilateralism would serve another important objective emphasized by Dr. Kissinger—the rebuilding of the shattered domestic consensus for U.S. foreign policy. The self-confidence and idealism of the American people are two of the world's most valuable natural resources. They made possible our sponsorship of the United Nations, the postwar financial and trade arrangements, the Marshall Plan, Point Four, the Alliance for Progress, the Decade of Development, and many other programs of great value.

Viet Nam has transformed much of this self-confidence into self-doubt, much of this idealism into cynicism. It has even encouraged a school of thought which holds that the United States is so violent, so racist and so imperialistic that it can no longer play any constructive role in the world. But the threats to mankind's future from poverty, population growth, environmental degradation and the arms race cannot possibly be dealt with successfully in the absence of a massive global effort in which American technology, managerial skill, and political leadership play a major part.

Forced to choose between interventionism and isolationism, the American people will eventually choose isolationism. Multilateralism is therefore the only chance in the long run to sustain a positive U.S. role in the world. It has always been the approach most likely to win support for our actions abroad; but it now is also essential for the achievement of a foreign policy consensus at home.

One of the most important but least appreciated functions of the United Nations is in influencing the political process within member states toward more cooperative and outward-looking policies. In a certain sense, the United Nations and other international organizations constitute an "alliance of doves," in which the outward-looking members of national governments can reinforce one another in their struggle with more inward-looking members of their national administrations. For an American President wishing to gain domestic support for substantial cuts in the military budget and a greater investment in economic and social programs at home and abroad, international agencies represent a resource of enormous potential. They can help us to reorder our national priorities, to turn our country around.

One of the serious dangers for the United States in its reaction from the Viet Nam tragedy is that we may disengage from international enterprises that are mutually beneficial and even essential to our enlightened self-interest. Here again, the United Nations offers an opportunity to American leadership. U.N. programs are yielding new perceptions of the linkages between conditions abroad and conditions at home. To give just a few obvious examples: U.N. assistance to Asian farmers to grow wheat or rice instead of opium can reduce drug addiction and crime in New York. U.N. efforts to limit the use of toxic pesticides in other countries can safeguard our interests in the conservation of wildlife, fish and the health of the marine environment. U.N. efforts to control diseases and establish minimum health standards can save the lives of an untold number of Americans. And, most fundamentally of all, men in blue helmets under a U.N. flag in a world trouble-spot can remove the

occasion for American soldiers to fight or die there.

But even beyond these fairly obvious linkages between "foreign" and "domestic" problems, a foreign policy oriented to multilateral organizations could give us a new sense of national purpose—an opportunity for recommitment to some fundamental principles of justice and human dignity which, at an earlier and happier stage in our existence, we perceived as essential elements of our behaviour as a free people.

Increasing numbers of Americans, particularly young Americans, are raising questions about the justice of our domestic economic and political order. At present these Americans are mainly looking inward. But a foreign policy focusing on the building of a decent world order could help us by putting these concerns in a global context.

If world order politics has at last become feasible as well as necessary, there are some very specific steps which we in the United States can take. I venture to suggest a few of them:

1. The President, the Secretary of State, and our senior policy-makers could assert that U.S. foreign policy from now on is aimed at the creation of a better world order founded on the enlightened self-interest of the United States and other countries—and that the strengthening of the United Nations and other international agencies is indispensable to the achievement of that end. Some may dismiss this suggestion as just "rhetoric"—but "rhetoric" can be important. It can stimulate new perceptions of interdependence here and overseas and build a new domestic and international constituency for U.S. foreign policy by identifying our purposes with those of mankind. We could both rebuild and draw upon the reservoir of idealism and generosity of the American people which has been so badly depleted by the war in Viet Nam. By substituting the language of constructive internationalism for reckless interventionism, we could find common ground between generations as well as political parties. Of course, the new language would have to be reflected in new action, which leads us to the other suggestions.

2. The United States could take a principled instead of an instrumental approach to the conduct of foreign policy. Instead of citing the U.N. Charter and other sources of international law when it suits our short-term interest and ignoring them when it does not, we would recognize our long-term interest in strengthening the norms and processes of a civilized world community. In specific terms, this would mean limiting our use of armed force to circumstances clearly permitted by the Charter and other sources of international law and submitting disputes to which we are a party to third-party processes of fact-finding, mediation, and, where appropriate, judicial settlement. There are undoubtedly risks in such a policy, but they are less than the risks inherent in the unilateralism that has characterized some of our actions in recent years.

3. We could put a new emphasis on world order issues in our bilateral negotiations with former adversaries, non-aligned nations, and old allies. In particular, this would mean using our negotiating leverage to encourage the Russians and Chinese to take a more affirmative position on such matters as the law of the sea, international programs to curb population growth, U.N. peacemaking and U.N. financing, and the strengthening of machinery for the peaceful settlement of disputes. There will be a growing number of people in both countries who understand the necessity of tackling such global issues in a cooperative and non-dogmatic way; we could strengthen their hand by the right kind of initiatives. For example, we have created a dozen U.S.-U.S.S.R. bilateral commissions as the result of the recent summit meetings: we



could use the SALT Commission to explore the possibilities of mutual non-intervention by the superpowers in Third World areas and of limiting the spread of nuclear and conventional arms; we could seek support for global health and population programs in the bilateral health commission; and we could press in the environmental commission for Soviet cooperation in global efforts to curb whaling, protect ocean fisheries, and regulate land-based sources of marine pollution. We could place a similar priority on world order issues in our relations with the European countries and Japan both bilaterally and in regional forums like NATO and OECD.

4. We could work harder to develop a "world order bargain" with the nations of the Third World. Because we appear to be neglecting their interests and concerns—whether on Southern Africa or on trade and development—we find ourselves increasingly isolated from them in the United Nations and are securing much less of their cooperation than is potentially available on population, environment, and resource questions. In the U.N. or in any political system, the price of getting support for one's own priorities is to offer some support for the priorities of others. Our objectives in the forthcoming negotiations on trade, monetary reform and the law of the sea may all be frustrated unless we urgently review our present policies on questions of interest to the developing world.

5. We could begin to seek help from international agencies in dealing with our own domestic problems—particularly the problems we face in our cities, problems of pollution, mass transport, crime, and drug addiction. For too long our government has regarded the U.N. system as a great funnel where we stuff aid and advice in at one end and developing countries take out the benefits at the other. The last few years have raised some questions about this rather arrogant approach. We have more than a few problems for which we do not have the answers and we could benefit from insights and know-how from Europe, Japan and the developing countries. If the U.N. and other international agencies were to render services to developed as well as developing countries, it would indicate to the world that we regard learning as a two-way process. It would also help build domestic political support for international agencies by demonstrating to Congress and the public that we derive direct as well as indirect benefits from our participation.

6. We could apply ourselves much more seriously to remedying the serious structural weaknesses in the present system to multilateral agencies. In collaboration with other countries, we should search for ways to harmonize the activities of global and regional organizations, to integrate the functional activities of the U.N. specialized agencies, and to strengthen the competence and the independence of the international secretariats. New thinking and new energy could also be devoted to reforming international decision-making procedures to find a satisfactory middle ground between the principle of unanimity and the principle of one-nation one-vote. There is growing dissatisfaction, for example, with the fact that countries representing less than five percent of the U.N. budget and less than ten percent of the population of the total membership can take decisions in the General Assembly by a two-thirds majority, including binding decisions on budgetary matters. Weighted voting is not now negotiable and possibly not even desirable, but we could explore the use in the U.N. and other agencies of "double majorities," bicameral arrangements and small committees so that action proposals of certain kinds would have to be adopted by a reasonable number of large and middle as well as small nations. There is a pervasive attitude of cynicism and defeatism about the organizational deficiencies of the U.N.

and other agencies, but we have not really involved our best minds and senior decision-makers in the search for solutions.

7. We could strengthen our Executive branch and Congressional arrangements for participating in the multilateral system. Our Ambassadors to the U.N. and other international agencies should be men with broad experience and deep substantive knowledge, and their permanent missions should consist of the best talent our country can make available, not only from the foreign service but from the business, academic, professional and scientific communities. The temporary public members of delegations should be chosen on a non-political and merit basis and appointed long enough in advance so that they can make a serious contribution. The Department of State should provide strong policy leadership for our participation in the multilateral system, with better coordination of its own activities and with new powers to coordinate the activities of other Cabinet departments as they relate to the international agencies. To this end, we might consider creating a new Undersecretary of State for Multilateral Affairs, with responsibility for overall direction of the State Department's Bureau of International Organization Affairs, its Bureau of Economic Affairs, the multilateral sections of the various regional bureaus, the Office of Legal Advisor, and State Department functions relating to the environment, population, the law of the sea, fisheries and wildlife, and development aid. Whether or not such a fundamental reorganization is undertaken, a revitalization of the Bureau of International Organization Affairs is clearly essential. As for Congress, there are a number of measures that could enhance its contribution to the building of more effective international institutions—for example, separation of our U.N. appropriations from the State Department budget and greater use of the International Organization Subcommittee of the Foreign Relations and Foreign Affairs Committees (or possibly the creation of a new Joint Senate-House Committee on International Organizations).

8. We could seriously reexamine our financial policies in international organizations. Our behavior here has been a classic example of penny-wise and pound-foolishness. A gradual reduction of the U.S. share of U.N. regular budgets was obviously called for in the light of new economic realities, dollar devaluations, and the addition of new members, but the unilateral and abrupt manner in which we pushed our 25% policy has undermined our bargaining power on matters where we have much more important interests at stake. From now on, our efforts should be focussed not on across-the-board reductions but on selective measures to improve the financial and management practices of the U.N. and its Specialized Agencies, achieve greater centralized control, and enhance the influence of the major contributors in the budget and policy process. In addition, and no less important, we could take some new initiatives to liquidate the U.N.'s financial deficit and establish a modest peacekeeping fund, and we could take a much more affirmative approach to increases in our voluntary contributions to the UNDP and multilateral financial agencies.

9. We could create a private political-action group to translate support for international institutions and international law into the American political process. The trade unions, the corporations, the environmentalists and the welfare recipients of our country have all learned how to get the government to respond to their needs. Citizens interested in a stronger United Nations and more effective U.S. participation in international agencies have not. Ralph Nader has shown how hitherto ineffectual public interests can be given effective voice and political clout. Perhaps the time has come to create a "Nader's Raiders for World Order"—a

group that could keep a box score on how Congressmen vote on matters like our U.N. contributions and on legislation violating the Rhodesian embargo. If such an enterprise were properly run, it might attract broad support—particularly from young people who are looking desperately for some way in which they can help the United States play a more constructive role in the world. We might even make such a U.S. group part of a broad transnational effort linking similar groups in key U.N. member countries.

10. We could find new ways of using the mass media to increase public support for international institutions and world order processes. The work of organizations like the Center for the Study of Democratic Institutions and the United Nations Association is excellent—but they do not reach mass audiences. We need to try some new approaches. We could establish a foundation to underwrite television programs which could bring new perceptions of interdependence to the American people through prime-time programs. After an initial period some of these programs might well become self-sustaining. Why not, for example, create a one-hour weekly television serial called "The Peacemakers," featuring a fictional representative of the U.N. Secretary-General grappling each week with the different kinds of problems that international agencies must deal with, whether monitoring a cease-fire between hostile nations, combating a plague of locusts, or coping with relief and refugee problems. Most people are not interested in international organizations as such, but they are interested in the problems with which these organizations are dealing, particularly if they can identify with them. E. G. Marshall and "The Defenders" helped influence the attitudes of a whole generation of young television viewers toward the legal profession. With skill and imagination, "The Peacemakers" could do the same for international institutions.

This paper has offered no simple and dramatic solutions, only a hard road to world order with a continual process of institution-building to manage mankind's common problems. To hasten this process, we will need to stimulate new perceptions of interdependence. For the most basic division in the world today is not between communists and non-communists, between blacks and whites, between rich and poor, between young and old—or even between men and women. It is between those who see only the interests of a limited group and those who are capable of seeing the interests of the broader community of mankind as a whole.

When people of my generation were coming of age, we were inspired by a number of leaders who spoke for these broader interests. One thinks of men and women like Wendell Willkie, Eleanor Roosevelt, Adlai Stevenson—and Philip Jessup. It remains for new leaders to pick up the fallen standard of constructive internationalism. They would find, I believe, a ready constituency in the United States—and throughout the world.

#### QUORUM CALL

Mr. STAFFORD. Mr. President, I move that the Senate stand in recess until the hour of 1:15 p.m.—

Mr. PROXMIER. Mr. President, will the Senator withhold that motion? I talked to the majority leader a minute ago, and he said he wanted a quorum call first, before we went into recess.

Mr. STAFFORD. Mr. President, I will withhold the motion and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECESS UNTIL 1:15 P.M.

Mr. STAFFORD. Mr. President, I move that the Senate stand in recess until the hour of 1:15 p.m. today.

The motion was agreed to; and at 12:41 p.m. the Senate took a recess until 1:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. JOHNSTON).

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

#### THE MATTER OF IMPEACHING THE PRESIDENT

Mr. WILLIAM L. SCOTT. Mr. President, I expect all of us have received a considerable amount of mail urging that the President resign or be impeached. My office has received more than a thousand letters and telegrams within the past 2 weeks that were unfavorable to the President, only about 10 percent of our mail was favorable.

This mail conflicted with what people had told me at home and in visits throughout Virginia. In fact, last Monday, I held an open door in the Richmond office and many people came in highly critical of the media and urging support for the President. It was difficult to know whether people in Virginia who had given the President 70 percent of the vote last fall had now actually lost confidence in him or whether the mail was generated by a segment of the population. To resolve this conflict, I asked several staff members to use both our wats line and regular lines in the office to call people who had written us asking for impeachment or resignation. We thanked them for writing and for their views. They seemed to appreciate our calls and with few exceptions were very polite and responsive. However, we found that only 20 percent of those who wrote had voted for President Nixon last fall and some of these said he was the lesser of two evils. Three percent had not voted or refused to answer and 77 percent had voted for Senator McGovern.

The staff talked with 162 people in 21 communities, 125 said they had voted for McGovern, 32 for Nixon, 4 did not vote and 1 declined to answer. The calls also indicated that 59 people, or 36 percent, belonged to Common Cause; 16 or 10 percent, said they were members of the American Civil Liberties Union, and 34 people, or 21 percent, volunteered that

the Washington Post was the chief source of their information.

Mr. President, these calls indicate that the people who are asking for impeachment are consistent. They did not vote for the President last year and they do not want him this year. Our colleagues in the House who filed impeachment resolutions are also consistent. They also supported Senator McGovern last year and now want to impeach the man who defeated him.

President Nixon was elected last year as Chief Executive of our country for a term of 4 years. I am unaware of any charges that would warrant impeachment. While no one would suggest that he is a perfect man, we would have considerable difficulty in agreeing on who should replace him. He has led us to peace, to substantially full employment, a favorable balance of trade, and to an even higher standard of living. The national interest requires that we stop unwarranted criticism of the President and get on with our job of working in the best interests of the people of this country.

I would suggest that those who would destroy the President are harming the country. The liberal left can hawk their wares in next year's congressional elections. They will have another opportunity to gain control of the executive branch of the Government in 1976. The traditional American way to settle our political differences is at the polls on election day. President Nixon received a landslide victory last fall. I would hope that we could stop all unwarranted criticism and permit this man to do the job which the overwhelming majority of the American people elected him to do.

Mr. THURMOND. Mr. President, over the weekend I had the occasion to speak in California, and also in Oklahoma, and I am very pleased to state that the grassroots sentiment where I went was strongly in favor of the President.

The people do not feel that he has not made mistakes. He has made mistakes. He is human. At the same time, they feel that he has been a good President, and they feel that a radical segment of the news media has not been fair to him, and has not been objective. These people are against impeachment, and they are against his resigning.

I talked to hundreds of people over the weekend, and it is my considered judgment that the great majority of the people in this country, if what I saw in California and Oklahoma is any index, are for the President, and that a lot of the mail that has been coming to Senators and House Members is inspired. I understand it is inspired by the ACLU. I understand it is inspired by Common Cause. I understand it is inspired by the labor bosses in this country. All of these groups wish to get rid of Mr. Nixon. But, as the distinguished and able Senator from Virginia just said, those people were against him anyway. They were against him in the election, and they are still against him. They lost the election, but yet they wish to run the country.

Mr. President, it seems to me it is high time that these people who are trying to

disturb the President at every move, who are operating practically a vendetta against him, who are vindictive toward him, and who are castigating him at every opportunity, should now either put up or shut up. I challenge them: If they have grounds for impeachment, let them come forward.

The grounds for impeachment are listed in the Constitution. There are three grounds: Treason, bribery, or other high crimes and misdemeanors. There is no evidence that Mr. Nixon is guilty of any one of those crimes enumerated in the Constitution; but if they think they have grounds for impeachment, I challenge them to bring the proceedings. They can be brought in the House of Representatives, and then Mr. Nixon would be tried here in the Senate, with the Chief Justice of the Supreme Court of the United States presiding.

By keeping on and on against this man—every day, every night, the tirade goes on and on and on, and there is no end to it—we are merely harming our own country. We are harming it because we have only one President. He is the Chief Executive of this Nation. He is the commander of the Armed Forces. He speaks for the United States. He handles the foreign affairs of this Nation, and he has done a good job. When he went in, there were more than half a million fighting men in Vietnam. They have all been brought home. Mr. Nixon wound down the war in Indochina. He brought the prisoners of war home. He has been making every effort to locate and bring home the missing in action who are still alive.

In the Middle East no one, I believe, could have handled this very delicate situation more magnificently than he did in the last 2 weeks. That situation could have been inflamed and intensified until it embroiled the whole world in a war, but Mr. Nixon stood up to the Soviets. I thank God that we had a man with his courage, his knowledge, and his willingness to stand for freedom. He stood up, and as a consequence neither the United States nor the Soviets have sent troops to the Middle East. Smaller nations other than Security Council members are now sending troops to supervise the existing truce there.

There are many other matters—his trip to Red China, his trip to Moscow to bring peace to the world—that show him to be a man of peace. So I hope the American people will demand that the Members of Congress and others who are continually backbiting at this President and trying to do all they can to harass him either bring their charges or let him alone. There are a lot of people in this country who are proud of him.

I owe him no obligation, and if he proves unworthy I will not stand with him. But there have been insinuations and innuendoes, even though, as Mr. Cox himself said before the committee, there has not been one shred of evidence to connect Mr. Nixon with Watergate.

If that is the case, why not let him go about his job and represent America? At this time in history, which is such a critical period, we should stand behind



our spokesman, who is the President, more strongly than ever before.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

### MILITARY PROCUREMENT AUTHORIZATION, 1974—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. JOHNSTON). Under the previous order, the Senate will now proceed to the consideration of the report of the committee of conference on H.R. 9286, which will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces and the military training student loads, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 13, 1973, at pp. H9024-H9029).

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the following staff members on the Armed Services Committee be extended floor privileges during the consideration of the conference report on H.R. 9286, the Military Procurement Authorization bill. T. Edward Braswell, Jr., Don Lynch, Francis J. Sullivan, George Foster, Charles Cromwell, R. James Woolsey, Edward B. Kennedy, and Robert Q. Old.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I submit a report of the committee of conference on H.R. 9286 and the House Concurrent Resolution 373, which is intended solely to correct a technical omission in the conference report, and ask for these two items to be given immediate consideration.

The PRESIDING OFFICER. Pursuant to the prior order, the conference report is already before the Senate.

Mr. SYMINGTON. And the concurrent resolution?

The PRESIDING OFFICER. That should be taken care of after disposition of the conference report.

Mr. SYMINGTON. Mr. President, I would make several preliminary observations regarding the conference report on the military procurement authorization bill (H.R. 9286).

The House approved the conference report last Tuesday, October 30. The Senate action, therefore, remains the final step before the bill goes to the President.

The conference report itself (93-497), 50 pages in length, discusses in detail the results of the conference and the reasons for the actions of the conferees with respect to the differences in the bill.

At this point, I am submitting for the RECORD a detailed breakdown of the 41 procurement differences in the bill, known as title I, and the results of the conference on each item.

I am also inserting an itemized list of the 47 language differences between the Senate and the House versions of the bill; and the results of the conference on each item.

I ask unanimous consent to have them printed in the RECORD.

There being no objection, the breakdown and list were ordered to be printed in the RECORD, as follows:

### H.R. 9286—MILITARY PROCUREMENT AUTHORIZATION BILL FOR FISCAL YEAR 1974—LANGUAGE DIFFERENCES BETWEEN THE HOUSE AND SENATE-PASSED BILLS

#### TITLE I—PROCUREMENT

Item	Page No. of bill	Senate	Page of bill	House
Senate recedes, Oct. 9.	1	None	2	Sec. 101—Air Force, Aircraft Statutory House language which provides that \$172,700,000 of the funds available to the Air Force shall be available for procurement of 12 F-111F aircraft. (Item 10—Procurement.)
Senate recedes Oct. 9.	2	None	2	Sec. 101—Naval Vessels. Language specifying that \$79 million shall be only for long leadtime items for the DLGN-41 and 42 nuclear frigates and that contracts shall be entered into as soon as practicable unless President advises that their construction is not in the national interest. (Item 29—Procurement.)
House recedes, Oct. 10 (language in last year's bill).	3	18	Sec. 101—Navy, Aircraft. Language specifying that not to exceed \$693,100,000 shall be available for an F-14 aircraft program of not less than 50 aircraft subject to no increase in the ceiling price of \$325,000,000 specified in the F-14 contract except for increases related to incremental technical changes.	None.

#### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

House recedes, Oct. 1.	4	19	Sec. 201—Navy, R.D.T. & E. Language which provides that \$60,900,000 is authorized only for the surface effects ships program.	None.
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#### TITLE III—ACTIVE FORCES

Mutual compromise cut of 43,000 agreed, October 11.	5	19	Sec. 301—End strengths June 30, 1974:	3
			Army.....	791,627
			Navy.....	565,912
			Marine Corps.....	196,363
			Air Force.....	665,963
			End strength shall be reduced by 156,100 as of June 30, 1974. Reduction to be apportioned among Services by Secretary of Defense who shall report to Congress within 60 days on manner of reduction.	Requiring report by Apr. 1, 1974, from the House Armed Services Committee on the advisability of maintaining present military commitment to Europe.
House recedes with amendment, October 9.	6	20	Sec. 302—Makes permanent law the exclusion of reservists ordered to active duty from computation of authorized strength.	4
House recedes, October 9.			Sec. 303—Requires semi-annual report from the President on units called to active duty.	None.
House recedes with amendment on civilians, Oct. 9.	7	22	Sec. 304—Adds the requirement for Congress to authorize DOD civilian end strengths in addition to military end strengths beginning with fiscal year 1975, as a prior requirement for the appropriations for the civilians. It also requires the statutory manpower requirement report to add (1) civilians (2) the relationship of the support manpower and primary combat missions (3) the manpower required to be stationed overseas. Report required as of Feb. 15 each year.	None.

	Item No.	Page of bill	Senate		Page of bill	House
Senate recedes, Oct. 9.	8	24	Sec. 305—(a) For fiscal year 1974 and fiscal year 1975 authorizes Secretary of Defense to release all military personnel without regard to any provision of law relating to retention or continuation except those between 18 and 20 years of service. (b) Expresses the sense of Congress that manpower reductions should be reduced to the extent practical by the same percentage in each grade. (c) Entitles regular officers released under the authority of this section to severance pay equal to reservists.	.....	None.	
TITLE IV—RESERVE FORCES						
House recedes with amendment Oct. 11.	9	25	Sec. 401:		5	
			Naval Reserve.....	121,481		Naval Reserve..... 116,981
			Coast Guard Reserve.....	11,300		Coast Guard Reserve..... 11,800
TITLE V—MILITARY TRAINING STUDENT LOADS						
House recedes, Oct. 9.	10	26	Sec. 501:		6	
			Army.....	89,200		Army..... 89,053
			Navy.....	75,800		Navy..... 75,647
			Marine Corps.....	28,000		Marine Corps..... 27,976
			Air Force.....	55,100		Air Force..... 54,904
			Naval Reserve.....	17,400		Naval Reserve..... 15,200
			Marine Reserve.....	6,700		Marine Reserve..... 5,600
			Provides for reduction in training loads consistent with overall manpower reductions.			
Senate recedes Oct. 9.	11	27	Sec. 502—Repeals Public Law 86-149 requiring authorization of training loads and training report.	.....	None.	
TITLE VI—ABM PROGRAM—LIMITATIONS ON DEPLOYMENT						
House recedes, Oct. 9.	12	.....	Sec. 601—This section continues limitation on continuing or initiating deployment of an ABM system at any site except Grand Forks Air Force Base, Grand Forks, N. Dak.	.....	None.	
House recedes, Oct. 11.	13	.....	None.	55	House sec. 605—Aspin amendment limits total amount of money authorized for titles I and II of this act \$20,445,255,000 and requires Secretary of Defense to report in 30 days on apportionment of reduction.	
TITLE VII—ECONOMIC ADJUSTMENT						
Senate recedes, Oct. 9.	14	28	Sec. 701 and 702—McGovern amendment establishes DOD Office of Economic Adjustment and authorizes \$50,000,000 to assist communities impacted by Defense changes.	.....	None.	
Senate recedes, Oct. 9.	15	29	Sec. 703-704—Requires 580-day notification of base closures or curtailments and consultation with local communities. Requires development and implementation of recommendations for economic adjustment. Affects bases employing 500 or more people. Includes non-DOD agencies.	.....	None.	
Senate recedes, Oct. 9.	16	.....	None.	8	Sec. 603—Prohibits multiyear contracts with termination charges greater than \$5,000,000.	
Senate recedes, Oct. 9.	17	.....	None.	9	604—This section codifies 2 provisions of existing law which clarifies the statutory requirement for annual authorization for appropriations for various activities of the Department of Defense. It also eliminates superfluous language and provisions which had been executed and no longer have any force or effect.	
TITLE VIII—MILITARY RETIREMENT						
Senate recedes, Oct. 9.	18	30	Sec. 801-806—Hartke amendment provides for recomputation of retired pay based on Jan. 1, 1972 pay rates. Applies to former military members who become age 60 or have 30 percent disability.	.....	None.	
TITLE IX—STUDY COMMISSION						
House recedes, Oct. 9.	19	33	Sec. 901-908—Baker-Bentsen amendment established Defense Manpower Commission for 18 months to study all aspects of military and civilian manpower. Authorizes \$2,500,000.	.....	None.	
TITLE X—NATO STRUCTURE						
Senate recedes, Oct. 9.	20	38	Sec. 1001-1005—Kennedy-Mathias amendment requires continuing review of U.S. forces for NATO and semiannual report to Congress on results. Requires President to consult with NATO allies and requests negotiation with Warsaw Treaty Organization of MBFR.	.....	None.	
TITLE XI—GENERAL PROVISIONS						
Differences split between Houses (\$1126.0M) Oct. 11.	21	.....	Sec. 1101—This section establishes a ceiling on funds authorized to be made available for the support of military forces of South Vietnam and Laos during fiscal year 1974. The Senate ceiling is \$952,000,000.	7	Sec. 601—Ceiling level is not to exceed \$1,300,000.	
House recedes, Oct. 10.	22	.....	Sec. 1102—Committee language continues restrictions enacted last year to ensure that funding for the C-5A program would be utilized strictly for that program.	.....	None.	
Senate recedes Oct. 9 (675 limit).	23	44	Sec. 1103—Proxmire amendment prohibits enlisted aides except for 2 per 4-star, 1 per 3-star plus 1 per Chief of Staff.	.....	None.	
House recedes Oct. 10.	24	44	Sec. 1104—Baill amendment extends the date by 6 months for retirees to sign up for survivor benefits.	.....	None.	
Senate recedes Oct. 10.	25	45	Sec. 1105—Haskell amendment requiring joint DOD-National Academy of Science study to eliminate chemical warfare agents.	.....	None.	
Senate recedes, Oct. 10.	26	46	Sec. 1106—Humphrey amendment prohibits funds for aerial acrobatic demonstrations outside the United States.	.....	None.	



H.R. 9286—MILITARY PROCUREMENT AUTHORIZATION BILL FOR FISCAL YEAR 1974—LANGUAGE DIFFERENCES BETWEEN THE HOUSE AND SENATE-PASSED BILLS—Continued

## TITLE XI—GENERAL PROVISIONS—Continued

Item	Page No. of bill	Senate	Page of bill	House
House recedes, Oct. 10.	27	47	Sec. 1107—Church amendment prohibits use of funds for involvement of U.S. forces in Southeast Asia unless specifically authorized by Congress.	None.
House recedes, Oct. 10.	28	47	Sec. 1108—Proxmire amendment requiring prior Congressional approval before the government is committed to contractor advances in funds in excess of \$20,000,000.	None.
Senate recedes, Oct. 10.	29	48	Sec. 1109—Eagleton amendment restricting expenditure of procurement funds for AWACS until Comptroller General of the United States has studied and reported to Congress on defense cost effectiveness studies.	None.
House recedes, October 10.	30	49	Sec. 1110—Eagleton, Aiken amendment which amends the National Industrial Reserve Act to require maintenance of an essential nucleus of government-owned plants and an industrial reserve of machine tools and other industrial manufacturing equipment.	None.
Senate recedes, Oct. 10.	31	53	Sec. 1111—Humphrey amendment—sense of Congress that DOD conserve petroleum. Requires report within 30 days on action taken.	None.
Senate recedes, Oct. 10.	32	54	Sec. 1112—Humphrey amendment authorizes use of DOD escorts, bands and services for 1 week in support of Senate Youth Program.	None.
House recedes, Oct. 10.	33	54	Sec. 1113—Goldwater amendment directs study of merger of Air Force Reserve and Air National Guard. Report by Jan. 31, 1975.	None.
House recedes, Oct. 10.	34	55	Sec. 1114—Dominick amendment—sense of Congress that DOD cut petroleum consumption 10 percent.	None.
Senate recedes, Oct. 10.	35	56	Sec. 1115—Bartlett amendment directs DOD to request retiring employees for suggestions on procurement practices. All suggestions submitted to HASC and SASC.	None.
House recedes.....	36	57	Sec. 1116—Jackson-Nunn amendment request reduction after 12 months of U.S. forces in Europe by the percentage that fiscal year 1974 military balance of payments deficits were not offset by the NATO allies. Requires quarterly report to Congress. Deficit to be determined by GAO. Urges allies to pay more budget costs.	None.
House recedes, Oct. 10.	37	58	Sec. 1117—Thurmond amendment prohibits procurement of other than American goods unless consideration has been given to labor surplus areas, small businesses, other business firms in United States, U.S. balance of payments, costs of shipping, foreign duties, surcharges, etc.	16 House sec. 606—Prohibits procurement of other than American goods without consideration of unemployment, unemployment compensation or welfare, loss of tax revenue, loss to money supply, cost of shipping and inspecting, foreign duty surcharge, etc. Requires OMB to develop a reporting system and report to Congress.
House recedes, Oct. 10.	38	60	Sec. 1118—Thurmond amendment authorizes Secretary of Defense to provide medical emergency helicopter transportation for civilians. Limits individual liability.	Identical bill H.R. 7139 passed House May 21, 1973.
Senate recedes, Oct. 11.	39	61	Sec. 1119—Humphrey amendment reduces overseas deployment by 110,000 by Dec. 31, 1975 not less than 40,000 by June 30, 1974. Excludes shipboard personnel.	None.
Senate recedes, Oct. 10.	40	62	Sec. 1120—Stevens requires DOD study and report on extending payments of quarters housing and cost of living allowances to junior enlisted personnel.	None.
House recedes, Oct. 10.	41	63	Sec. 1121—Jackson amendment for Admiral Rickover promotion to 4 stars on retired list.	Identical bill H.R. 1717 passed House June 19, 1973.
House recedes, Oct. 10.	42	63	Sec. 1122—Jackson amendment extends military credits to Israel until Dec. 31, 1975. Extends 1970 Defense Procurement Act.	None.
Senate recedes, Oct. 10.	43	63	Sec. 1123—Dole amendment prohibits any use of funds for North Vietnam or Viet Cong until President has certified that parties have complied with peace agreement provisions regarding graves registration and information on missing in action.	8 House sec. 602 prohibits direct or indirect use of funds for any economic or military aid for North Vietnam during fiscal year 1974.
House recedes, Oct. 10.	44	64	Sec. 1124—Goldwater amendment authorizes a maximum of 25 officers per Military Department per year to attend law school.	None.
Senate recedes, Oct. 10.	45	67	Sec. 1125—Byrd amendment prohibits loan settlement with India unless all loans are paid or Congress authorizes lesser amount of settlement.	None.
Senate recedes, Oct. 10.	46	67	Sec. 1126—Dole amendment—sense of Congress urging early release of military doctors to communities with medical shortage if DOD medical needs can still be met.	None.
House recedes, Oct. 9.	47	69	Sec. 1127—Magnuson amendment providing for operation of 8 public health service hospitals.	None.

## H.R. 9286—MILITARY PROCUREMENT AUTHORIZATION BILL FOR FISCAL YEAR 1974—TITLE I—PROCUREMENT—SUMMARY OF HOUSE AND SENATE DIFFERENCES

(In millions of dollars)

Item	Authorization request		House		Senate		Difference (House-Senate)		DOD reclama		Conference		
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	
Aircraft:													
Army:													
1	U-21 utility transport	20	12.2	20	12.2		-20	-12.2	20	12.2			
2	Aircraft spares		25.1		25.1	24.3		-0.8		24.3		24.3	
	Programs not in dispute				143.7	143.7				143.7		143.7	
	Total		181.0		181.0	168.0		-13.0		180.2		168.0	
Navy:													
3	EA-6B electronic warfare acft	6	116.6	6	116.6	6	101.6	-15.0	6	106.6	6	101.6	
4	A-7E attack acft	42	166.9	42	166.9	42	152.1	-14.8	42	152.1	42	152.1	
5	AV-8A/STOL acft	12	43.3	12	43.3	12	37.3	-6.0	12	37.3	12	37.3	
6	F-14A fighter acft	48	572.0	50	703.0	50	693.1	-9.9	50	693.1	50	693.1	
	Aircraft	(48)	(455.0)	(50)	(594.5)		(584.9)						
	Advance proc		(75.8)		(55.0)		(55.0)						
	Spares		(41.2)		(53.5)		(53.2)						
7	T-2C trainer acft	24	32.5	24	32.5		6.4	-24	-26.1	24	32.5	24	32.5
	Aircraft	(24)	(32.1)	(24)	(32.1)		(4.6)						
	Spares		(0.4)		(0.4)								
	Programs not in dispute				1,896.0	1,896.0				1,896.0		1,896.0	
	Total		2,958.3		2,958.3	2,886.5		-71.8		2,917.6		2,912.6	
Air Force:													
8	A-7D attach acft					24	70.1	+24	+70.1			24	70.1
9	A-10 (AX) adv. proc		30.0		30.0				-30.0		30.0		
10	F-111F fighter			12	172.7	12	158.8		-13.9	12	184.6	12	158.8
	Aircraft			(12)	(165.5)	(12)	(151.6)						
	Spares				(7.2)		(7.2)						
11	F-5A	116	69.3	116	69.3		28.3	-116	-41.0	116	69.3	116	69.3
12	F-15	77	918.5	39	587.6	77	918.5	+38	+330.9	77	918.5	77	918.5
	Aircraft	(77)	(801.9)	(39)	(511.8)	(77)	(801.9)						
	Spares		(116.6)		(75.8)		(116.6)						
13	T-41D trainer	3	0.1	3	0.1	1	(*)	-2	-1	1	1	1	(1)
14	UH-1H helicopter	308	96.7	308	96.7	180	56.5	-128	-40.2	308	96.7	180	56.5
15	Aircraft modification												
15a	B-52 mods		238.5		238.5		223.0		-15.5		238.5		223.0
15b	Operational necessity mods		20.0		20.0				-20.0		20.0		

Item		Authorization request		House		Senate		Difference (House-Senate)		DOD reclama		Conference	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
16	Aircraft spares (C-130 E)		11.6		11.6		2.3		-9.3		2.3		2.3
17	Common ground equip		82.0		82.0		76.5		-5.5		82.0		76.5
	Programs not in dispute				1,430.6		1,430.6				1,430.6		1,430.6
	Total		2,912.8		2,739.1		2,964.6		+225.5		3,072.5		2,964.6
Missiles:													
Army:													
18	Lance missile		83.7		83.7		79.0		-4.7		79.0		79.0
19	Pershing missile		53.8		53.8		49.3		-4.5		53.8		49.3
20	AN/TSQ Air Def. Cmd. and control		10.5		10.5		6.2		-4.3		10.5		10.5
	Programs not in dispute				426.2		426.2				426.2		426.2
	Total		599.9		574.2		560.7		-13.5		569.5		565.0
Navy:													
21	UGM-73A Poseidon		211.0		211.0		175.4		-35.6		205.0		205.0
22	AIM-9H Sidewinder		16.3		16.3		14.8		-1.5		14.8		14.8
23	AGM-84A Harpoon adv. proc.		19.0		19.0		14.1		-4.9		16.0		14.1
24	AGM-87A Bulldog						12.5		+12.5				12.4
	Programs not in dispute				433.9		433.9				433.9		433.9
	Total		680.2		680.2		650.07		-29.5		669.7		680.2
Marine Corps: Programs not in dispute													
			32.3		32.3		32.3				32.3		32.3
Air Force:													
25	LGM-30 Minuteman		401.2		401.2		355.4		-45.8		355.4		355.4
26	AGM-45A Shrike		11.0		11.0		8.8		-2.2		8.8		8.8
27	AGM-65A Maverick		107.1		107.1		97.2		-9.9		107.1		107.1
28	AGM-69A SRAM		136.7		136.7		131.1		-5.6		131.1		131.1
	Programs not in dispute				917.2		917.2				917.2		917.2
	Total		1,573.2		1,573.2		1,509.7		-63.5		1,519.6		1,519.6
Navy shipbuilding and conversion:													
29	DLGN nuclear frigate adv. proc.				79.0				-79.0				79.0
30	SCS sea control ship adv. proc.		29.3		29.3				-29.3		29.3		29.3
31	SSBN Poseidon conversions	5	229.8	2	79.9	2	116.2		+36.3	2	116.2		116.2
32	DLG guided missile frigate conversions	2	93.7	2	73.7	2	58.1		-15.6	2	68.7		58.1
33	Escalation		196.7		174.0		102.1		-71.9		173.9		102.1
	Programs not in dispute				3,352.3		3,352.3				3,352.3		3,352.3
	Total		3,901.8		3,788.2		3,628.7		-159.5		3,740.4		3,737.0
Tracked combat vehicles:													
Army:													
34	M60A1 tank	360	99.4	360	99.4	240	66.4		-120	360	99.4		99.4
	Programs not in dispute				93.9		93.9				93.9		93.9
	Total		201.7		193.3		160.3		-33.0		193.3		193.3
Marine Corps: Programs not in dispute													
			46.2		46.2		46.2				46.2		46.2
Navy torpedoes:													
35	Torpedo MK-48	500	164.3	500	164.3	500	159.3		-5.0	500	159.3		159.3
36	Captor		11.6		11.6				-11.6		4.9		
	Programs not in dispute				44.0		44.0				44.0		44.0
	Total		219.9		219.9		203.3		-16.6		208.2		203.3
Weapons and other combat vehicles:													
Army:													
37	M219, 7.62 machinegun	1,875	8.5	1,875	8.5	1,572	7.2		-303	1,875	8.5		1,572
38	M60 machinegun	6,000	4.5	6,000	4.5				-6,000	6,000	4.5		2.7
39	M16 rifle	31,000	3.1			31,000	4.2		+31,000	31,000	4.2	22,620	3.1
	Programs not in dispute				31.7		31.7				31.7		31.7
	Total		51.3		44.7		43.1		-1.6		48.9		44.7
Navy:													
40	MK22 machinegun	100	0.8	100	0.8				-100				
41	CIWS Phalanx		13.0		13.0		5.0		-8.0		9.0		4.0
	Programs not in dispute				28.1		28.1				28.1		28.1
	Total		41.9		41.9		33.1		-8.8		37.1		37.1
Marine Corps: Programs not in dispute													
			0.7		0.7		0.7				0.7		0.7
	Grand total				13,073.2		12,887.9		-185.3		13,263.2		13,104.6

<sup>1</sup> Less than \$50,000.

Note: ( ) indicates nonadd items. Amounts are included in appropriate numbered items.

Mr. SYMINGTON. Mr. President, there were 26 language additions inserted by the Senate for which there was no comparable version in the House bill. This total compares with five language differences in the House version which had no comparable version in the Senate bill. The remaining number had comparable provisions, with some differences in each version.

The point I make, Mr. President, is that due to a large number of additions made in the Senate, the Senate conferees carried a heavy responsibility in attempting to secure acceptance of these items

with the House. I shall discuss these later during these remarks.

With respect to research and development, the conference report on pages 32-33 contains a detailed chart which sets forth the 60 differences in the major R. & D. activities; also the resulting adjustments of the conferees.

#### DISCUSSION OF FUNDING DIFFERENCES

Summary figures: The figure recommended in the conference report for procurement and R. & D. is \$21,299,520,000. This is a reduction of \$659.6 million below the authorization request of \$21,959.1 billion.

The total figure the conference report recommends is \$13.1 billion for procurement and \$8.2 billion for R. & D.

#### DISCUSSION OF PROCUREMENT DIFFERENCES—TITLE I

The Senate is familiar with the bill as originally passed by this body. The easiest way to explain the difference is that, with certain minor exceptions, all procurement items passed by the Senate were retained. In addition, there was a total of \$216.7 million which the conferees agreed to add to the Senate version. Principally, and in summary, these were as follows:



Poseidon missile, \$35.6 million.  
DLGN nuclear frigate adv. proc., \$79 million.  
SCS Sea Control Ship adv. proc., \$29.3 million.

M-60A1 tank, \$33 million.

Let us note that the entire bill for procurement and R. & D. was \$351.9 above the Senate bill. This includes \$135.2 million for research and development.

The bill as finally agreed to is \$95.5 million below the bill as reported by the House Armed Services Committee, and \$351.9 million above the Senate bill.

One of the more significant features of the bill was the House floor amendment which imposed a ceiling of \$20.4 billion on titles I and II. This amendment was \$949.7 million below the various items reported by the House. This House floor amendment did not specify where the cuts were to be made in terms of line items.

The House conferees receded from the House floor amendment. When said amendment was deleted, what was then before the conferees was the bill as reported by the House. As stated, the various line items totaled \$949.7 million above the ceiling imposed by the House floor amendment.

#### DISCUSSION OF R. & D. DIFFERENCES—TITLE II

Let us refer briefly to the R. & D. portion of the bill, title II. The able Senator from New Hampshire, Senator McINTYRE, chairman of the Research and Development Subcommittee, as he has done in past years, assumed the leadership in working out the differences in the R. & D. portion of the bill. The Senate version was \$262 million below the House, of which \$100 million was represented in a reduction of the B-1 aircraft program in the Senate committee.

The conferees finally agreed to a reduction of \$25 million for the B-1. The remaining differences were compromised in such a way that the final version of the bill and the R. & D. authorization was \$127 million below the House-passed total. The final figure agreed upon for R. & D. was \$8.1 billion.

#### LANGUAGE DIFFERENCES

As presented, the conference report discusses in detail the resolution of the language differences. I now discuss briefly some of the principal issues involved in these provisions.

#### NATO AMENDMENTS

The House accepted the Jackson-Nunn amendment, which requires, under a formula set forth, a reduction in the U.S. forces in Europe unless our allies contribute more toward offsetting the balance-of-payments deficits in Europe.

The House was adamant in refusing to accept the amendment which would have reduced overseas deployments by 110,000 by December 31, 1975, of which not less than 40,000 would be reduced by June 30, 1974. As the Senate will recall, this amendment applies worldwide, not just to NATO. The current war in the Middle East obviously had some effect on the tone of the conference with respect to this amendment, as well as various other differences between the two bodies on the entire bill.

#### RECOMPUTATION AMENDMENT

The House also was adamant in not accepting the so-called one-shot recomputation provision, passed last year also by the Senate. The issues on this matter are well-known.

#### MANPOWER COMMISSION

The House conferees accepted the Baker-Bentsen amendment establishing a Defense Manpower Commission for 24 months so as to study all aspects of military manpower.

#### CIVILIAN AUTHORIZATION FOR THE DEPARTMENT OF DEFENSE

The House conferees accepted the Senate language requiring an annual authorization of the number of civilians employed in the Department of Defense for each fiscal year.

#### SOUTHEAST ASIA FUNDING

The Senate had reduced the fiscal year 1974 authorization for funding for South Vietnam and Laos to \$952 million—the premise being that we were told the war was over—as compared to the \$1.3 billion in the House version. The final conference agreement was \$1,126 million.

#### ACTIVE DUTY MANPOWER ADJUSTMENT

As the Senate will recall, the Senate had reduced the total active duty end strength for June 30, 1974, to 2,077,000—a reduction of 156,100. The House reduced this request by only 13,000. After long discussion the conferees agreed to a reduction of 43,000 below the requested strength. This final figure will be 2,190,000. The reduction will be apportioned by the Secretary of Defense. The Secretary must report to the Congress the way he apportions within 60 days of enactment of this bill.

The foregoing remarks summarize the principal features of the conference report. I respectfully request the Senate to adopt the report, together with the concurrent resolution.

Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER (Mr. JOHNSTON). Is there a sufficient second (putting the question). There is not a sufficient second.

The yeas and nays were not ordered.

#### QUORUM CALL

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I yield to the able ranking minority member of the committee.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in support of the conference report accompanying H.R. 9286, the fiscal year 1974 military procurement authorization bill. This legislation amounts to approximately \$21.3 billion for expenditures for

military hardware and research and development. It represents a reduction of \$659.6 million from the total authorization request of \$21,959.1 million submitted by the Defense Department earlier this year.

Mr. President, I would hope the Senate would move expeditiously in agreeing to this report. Its passage is necessary in order that the Congress can move on with the defense appropriations bill.

As the Senate knows, it was not possible for the Senate conferees to obtain the concurrence of the House in the many language amendments added to the Senate bill in approximately 2 weeks of floor debate. However, on balance, it appears to me the Senate conferees held a large number of these amendments and important changes will result from this legislation.

The Mideast war and the resultant expenditures in the movement of U.S. forces and replacement of losses by Israel will place unexpected strains on our procurement budget. However, it is pleasing to me that in the procurement area this bill contains many of the programs most essential for our national security.

Mr. President, in closing I wish to commend all of the Senate and House conferees for the outstanding work they performed in conference. I wish to especially commend the distinguished Senator from Missouri (Mr. SYMINGTON) who presided as the chairman of the committee for the able and fair manner in which he handled this bill.

As a whole it is my belief this bill reflects a fair consensus between the two bodies and is legislation which will help maintain our military credibility in the face of a rapidly expanding Soviet defense establishment.

Mr. SYMINGTON. Mr. President, I should like to thank the able ranking minority member of the committee for his remarks. He and I did not agree on everything in the bill. And we do not agree on everything in the bill at the present time. The Senator is eminently fair. It has been a privilege for me to work with him not only on the conference committee but also on the bill when the regular chairman of the committee was not able to be with us.

#### SECTION 806 OF THE MILITARY AUTHORIZATION PROCUREMENT CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I understand that a question has been raised as to whether section 806 of this bill as reported by the conference committee will restrict the authority of the Defense Department to indemnify its contractors against unusually hazardous conditions or nuclear risk. The Defense Department has had such authority for many years and it has proven extremely valuable in the successful conduct of many of its essential programs involving nuclear ships, weapons systems, and airlift.

It could well have been necessary to use this authority to assist in achieving a cease-fire in the recent Middle East war. Our airlift of vital military supplies and equipment to the State of Israel was conducted by military aircraft alone.

However, if hostilities had continued, the situation might have required us to supplement our military capacity with civilian aircraft. If this had come to pass it would have been essential that the Defense Department be in a position to extend indemnification protection to these civilian companies.

My intention in introducing the original provisions now found in section 806 was to place a restriction on the amounts of fixed obligations, as represented by but not limited to loans and guarantees, contract adjustment authority and other emergency or unusual powers, incurred or evoked by the Department in connection with the statutes which are the subject of section 806 provisions. Indemnification on the other hand involves no specific dollar commitment. The ultimate liability of the Government could be more or less than the monetary limitations set forth in the provisions. It is impractical to place a fixed ceiling on indemnification. To do so would negate the effectiveness of that authority.

Accordingly, I am making this statement in order to avoid any misinterpretation of the scope of intended application of section 806. Emergency situations are extremely rare but one cannot discard the possibility that others may arise in the future, giving need to grant immediate indemnification coverage. These situations, nonetheless, should be immediately reported to Congress.

It was never my intention to restrict the indemnification authority under Public Law 85-804 of the Defense Department and other departments and agencies of the Government. I think it important, therefore, that a statement for the record be made at this time that any interpretation of section 806 to so restrict authority to grant indemnification would go beyond the intent and thrust of my amendment.

It is my understanding that this statement is consonant with the position of the Office of the Secretary of Defense and the Navy, which have expressed interest in clarifying this point.

Mr. MCINTYRE. Mr. President, I would like to join with my distinguished colleague from Missouri and with the other members of the conference committee in recommending full support of the conference report on the fiscal year 1974 military procurement authorization bill. Senator SYMINGTON, acting for the chairman of the Armed Services Committee, did an outstanding job of leading the managers on the part of the Senate, of which I was privileged to be a member, in working out the differences with the House between the two versions of the bill. I should also state that the presence of our esteemed chairman, Senator STENNIS, and his participation in the proceedings contributed substantially to the success of the conference. In my recollection the differences between the House and Senate versions of the bill, particularly in the language provisions, were more numerous than ever before. Nonetheless, this did not impede the orderly and constructive progress which brought the conference to a relatively rapid and mutually satisfactory conclusion.

I should like to address a few comments to the research and development portion of the bill, which largely represents the product of the Research and Development Subcommittee, of which I am chairman. In terms of total dollars, the conference report recommends authorization of \$8,194,885,000. This compares with the House bill which authorized \$8,321,797,000 and the Senate bill which provides \$8,059,733,000. The conference recommendation essentially splits the difference between the House and Senate versions, and is \$363 million below the budget request of \$8,557,900,000.

I am pleased to report that the House accepted the Senate position on the major substantive items in research and development. In partially restoring the amounts reduced by the Senate for the B-1 aircraft, the subsonic cruise armed decoy, and the strategic cruise missile, the objectives of the Senate reductions remained intact. This also applies to the Army light area defense system, site defense program, and the advanced forward area air defense program. The specifics are detailed in the conference report. The House receded on the surface effects ships program and agreed with the actions of the Senate which reduced the program from \$72.8 million to \$60.9 million and imposed restrictive language limiting the use of these funds to the surface effects ships program.

The House approved the bill as recommended by the conferees last week without change and I strongly urge that the Senate do likewise.

Mr. CHILES. Mr. President, perhaps I have become oversensitive now that my Ad Hoc Procurement Subcommittee has begun hearings, but, ever since I served as a member of the Procurement Commission, much information has come to my attention about what is really wrong with the way we do military procurement and develop new weapon systems. The Commission report on major systems acquisition, to me, is a thoroughly sober assessment of our problems and the solutions that I intend to make a high-priority piece of subcommittee business next session. But, right now, I cannot help but comment on a glaring case in the conference report provisions on research, development, test, and evaluation—R.D.T. & E.—for close air-support weapon systems, page 37, and what they mean to procurement.

The Air Force originally requested \$8 million to begin engineering development of a laser missile seeker for the Maverick missile. The House approved the request but the Senate rejected it. Instead, the Senate overruled a decision by the Director of Defense Research and Engineering—D.D.R. & E.—that there should be a three-way competition between the Army, Navy, and Air Force to find the best seeker in a hardware test.

Under the D.D.R. & E. plan, the winning seeker would have been used by all the services: Army, Navy, Air Force, and Marines.

The Senate Armed Services Committee picked the Navy Seeker for the Bull-dog; directed its use in the Air Force Maverick; and told the Army to see if they could use it in their Hellfire missile

provided it could meet Army requirements. They did this because the competition would have taken more time and cost more money, an additional \$2.9 million, according to the Senate report.

The conference report reflects that decision, making \$3 million available for integration of the Navy Seeker.

But the net effect of what we have done is this:

First. We have suffocated competition between the services and between the private companies, and

Second. We have guaranteed duplication where commonality was possible by giving the Army an out.

Now, I do not know all the details as to why this action was taken. Perhaps the plan advanced by the Department of Defense—DOD—was not advisable in every respect or had taken too long to get an agreement between the military services. Perhaps the Army, Navy, and Air Force programs should have been consolidated through competition earlier. Nevertheless, from my understanding of the situation, what this conference report does is highly damaging in its own right—and that is what concerns me.

From a system acquisition process standpoint, we have taught everyone some very bad lessons.

We have taught the military services to subvert direction from the Office of Secretary of Defense—OSD—to develop common weapons. We have taught them to hold on and push for their own parochial developments because, in the end, when the pressure is on, there is a good chance they will all get their own systems anyway. We have taught them to depend on the requirements process to prove that they need something different from the other services, putting even more emphasis on technical and performance requirements that have driven up company promises and weapon costs along with them. We have taught them to rely on the requirements process to define what they each "need" instead of an open competition to find what they can all use. As the Procurement Commission stated in its report:

Early acquisition plans concentrate on a "needed" new system and a preferred system approach with inadequate attention to why any new capability is needed at all and what that capability is worth. One of the reasons new systems have been more and more complex and costly is that current acquisition procedures tend to say "this is what we need" from the outset, in accommodating a host of stipulations on system characteristics and performance.

We have taught the companies in the aerospace industry that promise is more important than performance by cutting off a hardware competition and fly-off. We have taught them that entreaties sent to Capitol Hill may pay off more than good weapons sent to the testing grounds. The Procurement Commission recommendations led to the summary statement that:

Contractors must enter a competitive arena that rewards suppliers who are held responsible for creating and demonstrating the best system according to their own business and technical judgments. Competition should involve innovative products that must demonstrate that they meet the Government's need at the lowest cost, not an undeveloped but



already defined system at the price needed to win.

In its fiscal year 1972 authorization report, the Armed Services Committee endorsed such competition, saying:

It would be far more desirable for the Nation to be able to have alternative weapon systems and technical approaches from which to choose those systems best designed to accomplish the most important military missions before a large financial commitment has been made. In this context it is encouraging that the Department of Defense has announced an intention to develop experimental prototypes of new aircraft and other weapon systems and components without a prior commitment to production.

And we have taught ourselves here in the Congress—yet once again—that we do not have an effective framework of control for the Defense budget. While our decision for billion dollar boats boils down to whether we want the first one in 1978 or 1980, our decisions on an \$8-million R. & D. request boils down to picking alternative laser seeker heads with different instantaneous field of view, different control circuitry, and different acquisition range requirements. Can we exercise the same erudite technical expertise on the rest of the \$8 billion R.D.T. & E. authorization as we did on this \$8-million item? Senator McINTYRE himself has stated that the Research and Development Subcommittee was lucky if it could consider even 15 percent of the 4,000 projects. I sympathize greatly with his position. Again the Procurement Commission stated:

Congress and its committees have become enmeshed at a detailed level of decision-making and review that disrupts programs, denies flexibility to those responsible for executing programs, and obscures Congress' view of related higher-order issues of national priorities and the allocation of national resources.

And we have started again to reteach a lesson that I thought was only recently unlearned: The lesson of false economy in R. & D. I thought that after David Packard left the Pentagon, everyone had learned that we do not save money in the long run by cutting off competition in the front end of the process: That what small extra price we pay for competition and testing today will be returned many times over tomorrow when the cost overruns, unknown technical problems, and defective systems get into production.

Mr. President, I am not going to raise any objections to this bill because there are so many other considerations involved. But I do hope that Senator McCLELLAN takes this situation into account when his Defense Appropriations Subcommittee takes up the DOD appropriations.

#### THE \$375,000 FRISBEE FLARE FAILURE

Mr. PROXMIER. Mr. President, it is only proper that today as the Senate debates the military authorization procurement conference report, we consider just how rock bottom this budget is.

We have heard over and over that this military budget is as low as possible without cutting away essential strength. We have been told that there are no "pockets

of fat" in this budget—no money to be saved.

Just how absurd these statements are is confirmed by the Navy Frisbee Flare program.

Beginning in 1969, the Navy has spent \$375,000 on testing the popular Frisbee for its aerodynamic qualities as a flare. Two different testing authorities used wind tunnels, computers, special cameras, a motion analyzer and outsider consultants from MIT and Notre Dame University to test Frisbees for military applications.

First the Navy authorized computer tests and wind tunnel examinations of the Frisbee. When these proved inconclusive, the project was moved to Hurricane Mesa in Utah for practical testing. A special launcher was developed to throw the Frisbee over the cliff. The tracking camera recorded its flight. The results, as published in a 207-page report, were "somewhat spectacular and unexpected," a euphemism for test failures due to erratic and uncontrollable flight patterns.

The report concluded:

While not successful in producing quantitative data, not too much had been expected, and these tests were valuable because they did provide qualitative validation of the math models and insight into the dynamic criteria, revealed problems in flare design, gave experience in field testing and data collection, and led to experience in data reduction.

For \$375,000, the Navy received insight, experience, and data collection. But no flare.

Mr. President, every time the statement is made that this defense budget is rock bottom, I hope we will remember the Frisbee flare program. If it were not the taxpayers money, it would be humorous.

Although this particular incident has been reported several times, one of the best accounts comes from the Los Angeles Times by Mike Quinn. From this article and the original report come the quotes in my remarks. I ask unanimous consent that the Mike Quinn article in the Los Angeles Times of November 1, 1973 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Nov. 1, 1973]

HOW FRISBEE FAILED ITS NAVY PHYSICAL

(By Mike Quinn)

NEW YORK.—In June, 1969, U.S. Navy project N-00164-49-C-0662 began. The Naval Ammunition Depot in Crane, Ind., and the government and aeronautics products division of Honeywell, Inc., of Hopkins, Minn., began research on an "Aerodynamic Analysis of the Self-Suspended Flare."

About \$375,000 later the two groups had run exhaustive tests, using: a subsonic wind tunnel, a CDC-6600 computer terminal, a Honeywell computer network teletype computer terminal, several cameras, a semiautomatic motion analyzer, consultation from Massachusetts Institute of Technology, and Notre Dame University, and a test facility at Hurricane Mesa in Utah.

The team determined that a Frisbee could not be used as military hardware.

That's right. A Frisbee—the round plastic toy that costs \$1.59 at the corner store, put out by Wham-O Manufacturing Co. of San Gabriel.

"Wham-O's feelings were mixed about this program," a company spokesman, Goldy Norton, said. "Primarily, the Frisbee is a fun thing. We weren't overly thrilled with the idea of its being used as a weapon. Very honestly, from the company's standpoint, our primary market is the 16-to-30-year-old age group. This would be called the antiwar generation. If the Frisbee were adopted as an article of war, it wouldn't help us any."

But the Pentagon, which did not notify the company of its plans, was not to be denied. A Navy spokesman said it now costs about \$50 for each intermediate-length flare parachuted from an airplane. The Navy was looking for a cheaper, more efficient way. Flares are used to illuminate battlefield areas at night and have a peace time application in such missions as search and rescue.

So, in Crane, Ind., the Frisbee began and eventually resulted in a 207-page report. (It may be purchased for \$3 from the National Technical Information Service, Springfield, Va. 22161. Ask for Publication AD-74017).

The objective of the research according to the report, was "... to develop an air-launched flare concept which would utilize gyroscopic stabilization of the case of a disk-shaped flare to retard the descent of the flare sufficiently to provide intermediate-term illumination (without the parasitic weight and volume of conventional parachute flares)."

The testing of the Frisbee, as well as clay pigeons and other circular objects, was divided into three general areas. The actual research was done between June, 1969, and June, 1970, and the report was published last year.

In an "acknowledgement/disclaimer" at the beginning of the report, it is noted: "It is recognized that the name 'Frisbee' is a copyrighted trademark of the Wham-O Corp. Therefore, the more precise and legally correct way to describe the domed, cupped configurations studied herein would be the terms 'Frisbee-like configuration,' etc. However, in the interest of brevity and clarity, especially on figures, this report will define the word 'Frisbee' to mean 'Frisbee-like configuration.' Therefore, 'solid Frisbee' would refer to a Frisbee-like configuration whose top is domed similarly to the 'Frisbee' but whose bottom surface is filled in flush, etc."

The first approach that was tried placed an aluminum Frisbee in a wind tunnel. It was held in place by a piece of metal. "The results of these tests correlated fairly well with each other and with preliminary estimates and with some available discus data," the report noted. In other words, not much happened.

Next, the researchers tried a spring-mounted Frisbee, but they found that the spring introduced such as wobbling and swaying. For that matter, the solid mounting did not bring very good results.

Then, the project was moved to Utah, but not before the researchers ran a program through a computer. According to their calculations, if a Frisbee were launched at a speed of 50 feet per second from a 2,000-foot cliff, it would be airborne for a little more than 20 seconds and would travel forward about 1,000 feet.

In one of its best moments the report noted: "Satisfaction of the processional criteria represents simultaneous satisfaction of a relatively precarious simultaneous conditional equilibrium condition or coming close enough that the error from equilibrium causes an acceptably slow divergence from a straight flight." In other words, it is desirable to have a large, relatively light disk spun at a high speed and traveling at a low speed through the air.

At Hurricane Mesa the tests were not to be just throwing a Frisbee off a cliff. The Denver Research Institute designed and constructed a special Frisbee launcher that was to be used in planes if the project succeeded.

On hand also were a tracking camera to follow the flight, a data camera recording box, a panoramic motion picture camera and timing devices. Along the mesa floor were five-foot, red-and-white striped tracking poles.

As the report noted, "The results of the Hurricane Mesa tests were somewhat spectacular and unexpected." What happened was that the circular objects tended to take off like a jet plane when fired from the launcher. Their path was erratic and could not be controlled.

The report also noted: "While not successful in producing quantitative data, not too much had been expected, and these tests were valuable because they did provide qualitative validation of the math models and insight into the dynamic criteria, revealed problems in flare design, gave experience in filed testing and data collection, and led to experience in data reduction."

In other words, the project was scrapped—but everyone had a good time while it was on.

Mr. DOLE. Mr. President, the events and tensions which grew out of the latest Arab-Israeli war are appropriate subjects for consideration as the Senate takes up the military procurement conference report.

#### A TIME OF PEACE

At the outset it should be recognized that we are living in a time which is unusual in the recent history of this Nation. We are at peace. No U.S. troops are engaged in combat in Southeast Asia, for the first time since the early 1960's. Our forces, throughout the world, are performing the duty of maintaining a watchful alert over their areas of responsibility—from Minuteman missiles crews in chambers deep underground in North Dakota, to soldiers on manning watchtowers along the Berlin Wall, to sailors aboard nuclear submarines cruising the ocean's depths. They are performing well, and their service today is no less important or critical to this country than it was in the days of Khe Sanh, Pork Chop Hill, Anzio, or hundreds of other occasions when America has been at war.

#### OTHER NEEDS FOR FUNDS

But times of peace are difficult times when it comes to maintaining the support necessary to assure adequate resources and capabilities for our defense forces. When we are not at war, it is easy to look at the Military Establishment as an unnecessarily oversized drain on the limited finances available for other worthwhile national purposes. Aircraft, tanks, vessels, and armaments can readily be translated into health programs, old age assistance, handicapped rehabilitation, and countless other endeavors. And seen in a peacetime setting, it is often difficult to appreciate the necessity for continued expenditures on the machines of war.

Our history has demonstrated the hazards of too little peacetime attention to defense needs—particularly in the period between World War I and Pearl Harbor. But I would hope that the era following the Vietnam conflict will be remembered as a time when the coming of peace was not marked by a subsequent weakening of our national defense capabilities.

#### CRISIS AVERTED

If any Member of the Senate needed a reminder of the peacetime importance of

our Defense Establishment, no more vivid or timely example could have been found than in the near-confrontation which arose from the Middle Eastern situation last month.

All the details and information have not yet been made public, but from the available knowledge of those critical days a clear picture has emerged of a major crisis with the Soviet Union being averted in part because the President was able to back up America's diplomatic position with a clear, creditable and understandable military capability. I would not characterize this capability—expressed in the worldwide alert of U.S. Forces—as a threat. The relationships involved in the situation were too sophisticated and complex for resort to bluff-threat theatrics. Rather, it was an indication, a signal that this country was firm in its position, serious in its resolve, and willing to tolerate no misinterpretation of its position.

But because our forces are strong and because their capacity to perform is unquestioned the message came through; and a situation, which could have expanded far beyond the bounds of the Arab-Israeli conflict, was defused and deescalated before it had a chance to get out of control.

#### POTENTIAL CRISIS ANYWHERE

In considering last month's events we should carefully separate the Israeli-Arab issues from those involving the United States and Russia. They are not the same, not really related, for this situation could have arisen anywhere in the world that American and Russian interests were in potential conflict. The important point is that regardless of the place—the Mideast, Europe, Asia, or wherever—the United States must be capable of taking whatever action is necessary at any time to protect its vital interests. And that ability cannot be assured without a strong national defense about which there is no question either of its resolve or its capacity to perform an assigned mission.

#### COMPLEX LEGISLATION

This brings us to the military procurement bill, one of the most complex and detailed pieces of legislation considered by the Congress.

As the bill which signs the purchase orders for military equipment, it involves large dollar figures. To some, the size of these figures almost defies imagination, and any thought of effectively assuring economy and reduction of unnecessary expenditures within these huge accounts might seem impossible. But I wish to take this opportunity to commend the members of the Armed Services Committees who assume the responsibility for writing this legislation, for breaking down the programs and for searching out every possible way to impose reasonable limits and insure maximum economy and efficiency in defense expenditures. They do an extremely conscientious job, and they must make many difficult decisions in the course of their deliberations.

#### CAREFUL WATCH ON EXPENDITURES

Lavish spending is not the answer to our need for sufficient military strength. A wasted dollar makes no contribution

to our effort, rather it detracts from it. We should never hesitate to spend every dollar necessary to provide for our Armed Forces, but we should always impose the most stringent standards and requirements for assuring that each of these dollars is spent in the most effective and economical way.

I believe this year's bill is responsive to the broad national interest. First, it avoids crippling cuts in the defense budget and provides the basis for maintaining a peacetime level of preparedness which conforms to our requirements as one of the two great powers in the world. Second, it reflects an appropriate concern for economy in defense spending which is in keeping with the people's desire to hold overall Government spending within reasonable limits. The bill, like all products of compromise, will not satisfy everyone; it does not incorporate a meat-ax approach to spending reduction. It does not constitute a blank check for the military to buy every last item on its want-list of weapons systems, gadgets, and hardware. But it does provide a reasonable approach to meeting our Nation's responsibility for its own security and for our commitments as the free world's leader.

I am pleased to express my support for the conference report and believe that it represents a sound, constructive effort by Congress to deal with a very important field of national concern.

#### NO AID TO NORTH VIETNAM

Mr. President, as the author of a provision adopted by the Senate in its action on the military procurement bill, I would add just a brief comment about the conference report version.

At my urging the Senate adopted an amendment imposing a prohibition against the provision of any U.S. aid—direct or indirect—to North Vietnam. The Vietcong, as agents and, for all practical purposes, an identical entity, were also covered in the prohibition. This aid ban was intended to be imposed in response to the failure of North Vietnam and the Vietcong to comply with the requirements of the Paris agreements relating to information about our prisoners of war and the missing in action.

Our rights to information and verification are clearly and unmistakably defined in the Paris accords, but the U.S. task force, which is prepared to investigate crash sites, examine burial areas and track down any possible leads, has been prohibited by North Vietnam from carrying out its mission. There is no reason for such obstruction to this purely humanitarian undertaking. There is no excuse.

So as a means of expressing the American people's consideration of this action and their insistence upon our country's rights, my amendment was offered. Its passage was intended: First, to signal that North Vietnam and the Vietcong must live up to their obligations, and second, to demonstrate to some 1,300 American MIA's, their families, and friends that they are not forgotten.

The conference, in considering this Senate amendment as well as similar House language, adopted language which places an outright, unconditional ban



on all direct or indirect aid to North Vietnam. As explained in the report, this provision was considered to be more closely in keeping with the will of Congress. Since this provision is broader, stronger and contains no loopholes, I believe it is consistent with the spirit of the Senate amendment. But I wish the record to show that this different language does not weaken, but strengthens, the Congress position in regard to obtaining the fullest possible information about our men—some 1,300 of them—who are still listed as missing in action in Southeast Asia. And as further clarification I ask unanimous consent that the debate on this Senate amendment be printed in the RECORD at this point.

There being no objection, the excerpt from the RECORD was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, Sept. 28, 1973]

#### SENATE

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendment.

The legislative clerk read as follows:

"At the appropriate place in the bill it is proposed to add a new section as follows:

"SEC. . No funds authorized to be appropriated by this or any other Act shall be used directly or indirectly to provide aid, promote trade or cultural exchange, or undertake any other form of assistance or accommodation with the Democratic Republic of North Vietnam or the Provisional Revolutionary Government (Viet Cong) until such time as the President shall certify to the Congress in writing that said governments have fully complied with Chapter III, Article 8, paragraph (b) of the Agreement of January 27, 1973; Article 10 of the Protocol to the Agreement; and point 8(e) of the Joint Communiqué of June 13, 1973, all of which relate to facilitating the location and care of graves of the dead, exhumation, and repatriation of the remains as well as to obtaining information on those still considered missing in action; and in no event shall any such aid or assistance be made available unless the Congress has specifically authorized such aid or assistance by legislation enacted after the date of enactment of this section."

Mr. DOLE. Mr. President, let me state briefly the purpose of the amendment. It merely provides that no funds authorized in this bill or any other act be expended, directly or indirectly, to aid North Vietnam or the Vietcong until there has been an accurate, complete, and full accounting of the Americans still missing in action.

Mr. President, this amendment is intended to accomplish two purposes. First, it will clarify and underscore the intention of this Nation that North Vietnam and the Vietcong live up to their obligations under the agreements which ended U.S. involvement in the Vietnam war.

Second, it will serve to demonstrate to the wives, families, and friends of some 1,300 missing Americans that these men are not forgotten.

Eight months ago, yesterday, the Paris agreements were signed. Eight months ago, the North Vietnamese and Vietcong promised to permit us to undertake and assist us in efforts aimed at resolving the questions and uncertainties surrounding the Americans who are listed as missing in action throughout Southeast Asia.

For 8 months, the North Vietnamese have not only refused to cooperate in our efforts to assert our rights under these agreements, but they have obstructed and frustrated our efforts to do so. This has not been a matter of hardship for North Vietnam or the Vietcong. It has not been a matter of honest mis-

understanding or confusion. Instead, it has been a course of deliberate, calculated, and cynical refusal to comply with the clear obligations of the agreements and to permit the exercise of our rights.

I do not know the motivation for this policy. Many years ago I gave up attempts at understanding conduct which is so alien to the most basic humanitarian principles and which appears to offer no hope for any conceivable gain or profit on the part of those who engage in it.

I do understand, however, the agony, the uncertainty, and the suffering of parents, wives, and children who long for any shred of evidence which might provide the basis for resolving the unknown fate of a son, a husband or a father. And I know that for 8 months these Americans have been waiting and anticipating something which was promised to them and the entire Nation by the North Vietnamese and the Vietcong. They were promised a chance to know what became of their men.

These people are not naive. They are not living on false hopes. They know that the passing of every day reduces the chances for survival for anyone listed as MIA. And even before January 27, many days had passed. But they want a chance to have some certainty in their lives. They want to be able to live in the present and look to the future. They want to be able to set their personal and legal affairs in order—on the basis of fact, not speculation or some arbitrary administrative action.

So, today, I offer this amendment to foreclose—to the maximum possible extent—any opportunity that North Vietnam or the Vietcong can expect any advantage or gain to flow from their violation and flouting of the Paris agreements. Not only does this amendment deny any American aid—either direct or indirect—but it assures that no funds will be used to promote trade, engage in cultural exchange programs or any other kind of accommodation which other nations might enjoy with the United States.

I do not believe it is asking too much of any nation or any political organization to abide by humanitarian obligations which it has clearly and unambiguously assumed in a formal agreement. For 8 months, Hanoi and the Vietcong have acted in the most blatant disregard of these obligations, and I believe it is far past time that Congress act to demonstrate its refusal to tolerate such conduct.

I offer this amendment in the hope that Congress will consider it an appropriate means of going on record to demand that the North Vietnamese and Vietcong provide the full accounting and opportunities for verification of the status of our missing men to which we are entitled by the Paris agreement.

I ask unanimous consent that the text of a full-page advertisement published in today's Washington Post be printed in the RECORD. This advertisement, an open letter to the President, was placed by VIVA, an organization which has been active in building public awareness of POW and MIA matters for many years. I believe it indicates the extreme frustration and torment being suffered by the parents, wives, and families of these men. I certainly find no fault with nor criticize them for their anxiety or any expression of it.

But I do believe this advertisement serves to provide additional force to support adoption of this amendment. Hanoi and the Vietcong must be pressured relentlessly and continuously until they live up to their obligations, and every means of applying this pressure in Congress, in public opinion, and elsewhere must be utilized.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

#### AN OPEN LETTER TO THE PRESIDENT

HON. RICHARD M. NIXON,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: We would like to express our thanks publicly for the concern you have shown for the POW/MIA's and their families. We have not forgotten that under your administration the Defense Department reversed its policy and allowed POW/MIA families to discuss the plight of their men.

Once informed the American people joined in the largest and most dramatic display of brotherhood in our history to help men they had never met. This power of public opinion influenced the Communists to improve the treatment of our men, to which many returned POWs attribute their very lives.

Unfortunately, the Communists are still perpetrating a barbaric form of mental cruelty on almost 1200 POW/MIA families. This inhumanity may never be ended unless the American people are again informed and utilize the power of public opinion.

Many have said that all the POWs are home. Yet more than 50 men, who were known to be prisoners and are still officially listed as POWs by our Government, did not return home nor were they listed as dead by the Communists. Their capture was substantiated by evidence such as a letter written home, photos in captivity, propaganda broadcasts, etc.

Mr. and Mrs. Sparks have a letter from their son Don which says he is in fine health and has been held for ten months without seeing another prisoner. It is fair that because no returned prisoner saw Don that the responsibility now falls on Mr. and Mrs. Sparks to prove that Don is still alive in order to prevent our own Government spokesmen from saying, "All POWs are home and all MIAs are dead," thereby relieving the Communists from their obligation to account for Don and hundreds like him?

To presume that the Communists could possibly account for all MIAs is ludicrous, but to presume that it takes over seven months for them to account for men who were known to be captured is just as ludicrous. Would our outrage have been demonstrated more vocally if only 50 POWs had returned and 500 known POWs had not been accounted for?

We are aware of the ability, sincerity and dedication of our delegation to the Four Party Military Team responsible for handling the negotiations and the men of the Joint Casualty Resolution Center who seek to account for the missing. These men acknowledge there has been little success in encouraging the Communists to live up to the Peace Agreement and that perhaps public awareness is the only weapon left. We have also been assured by Melvin Laird that the administration supports efforts to broaden public awareness of the failure of North Vietnam to comply with the Paris Agreement.

We can only assume, therefore, that it has not been brought to your attention that the Defense Department has been hindering the effective use of this weapon rather than supporting efforts to broaden public awareness.

This is evidenced by public statements such as the one made by Assistant Secretary of Defense William T. Clements who labeled everyone who distributes bracelets and bumper stickers "charlatans". It is also evidenced by the fact that a spokesman for the Department of Defense uses every possible opportunity to urge returned POWs, POW/MIA family members, and concerned citizens to refrain from making public statements on this issue and leave it to the government "experts" lest they harm the negotiations in progress.

Such actions negate the efforts toward awakening public awareness and are completely contrary to the statements of Mr.

Laird's and those actually involved in the negotiations.

Although only the Communists know whether any of them are still alive, all POWs did not return home, nor were they accounted for.

Please, Mr. President, don't allow anyone in our government to render less effective the only weapon the POW/MIA families may have left—that of public opinion.

Please grant representatives of the national organizations directly involved with this issue a meeting to clarify these discrepancies in order that your pledge of support to the POW/MIA families be fulfilled.

Sincerely,

NATIONAL BOARD OF DIRECTORS,  
VIVA—VOICES IN VITAL AMERICA.

Mr. DOLE. Mr. President, I have discussed this amendment with the distinguished Senator from Missouri and the distinguished Senator from South Carolina. We have made one change in the amendment, after conferring with the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.), and it is my understanding that the committee is willing to accept the amendment.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. SYMINGTON. Mr. President, the able Senator from Kansas and I discussed the amendment yesterday. This is a subject in which the distinguished senior Senator from Virginia has been interested. Portions of the language were changed with the approval of the Senator from Kansas. As a result, we on this side of the aisle have no objection.

Mr. THURMOND. Mr. President, we on this side of the aisle are willing to accept the amendment. We think it is a good amendment, because it ought to give leverage to the President to get the North Vietnamese and the Vietcong to live up to their agreement. If it does this, it certainly will be worthwhile. We are all anxious, of course, to locate the missing in action and to get those back who are still living. We think this amendment will be helpful in that respect.

I commend the able Senator from Kansas for offering the amendment.

Mr. PELL. Mr. President, I have voted against approval of the conference report on the military procurement authorization bill for several reasons.

First, and most important, the conference report authorizes the appropriation and spending of more money by the Department of Defense than was approved by either the House of Representatives or the Senate in their original action on the bill. The bill authorizes \$21.3 billion—\$351 million more than the amount we approved in the Senate, and \$854 million more than was originally approved by the House of Representatives.

In addition, the legislation as reported by the committee on conference deleted several provisions approved by the Senate which I believe are of vital importance. For example, the conference eliminated the Senate provision that would have required a reduction of 110,000 men in U.S. overseas land-based forces. Also eliminated was a provision of vital importance to my own State—an amendment adopted in the Senate authorizing \$50 million for communities and areas, such as my own State of Rhode Island, which face severe economic adjustment problems because of the closing of major military installations.

Mr. President, there are many provisions of this bill, as reported by the conference committee, that I believe are im-

portant and indeed vital to our national defense. Among these vital provisions, which I fully support, is the authorization of funds for the *Trident* submarine.

I have, nevertheless, voted against approval of the conference report to express my disappointment that so many provisions approved by the Senate were eliminated in the conference with the House.

Mr. STENNIS. Mr. President, I shall not detain the Senate for over 2 minutes.

I want to very strongly commend and warmly thank the Senator from Missouri for almost a full calendar year of hard work, day and night, on the bill that has just won such overwhelming approval by the Senate. Many members of our committee worked with him, but I especially wish to mention the Senator from South Carolina who is the ranking minority member, and a highly valuable member. He is always ready and willing; he teaches us many things every day.

The Senator from Missouri took up this duty willingly and in a very fine spirit. He and I have worked together on the committee for more than 20 years. He could not have been finer or nicer than he was in picking up the entire burden of the chairmanship and carrying on. He fought this battle through all the hearings, the debate that took place on the floor of the Senate and then in conference. So I thank him again.

I thank the Senator from South Carolina (Mr. THURMOND) for his broad experience and his fine knowledge of military law, military weaponry, and everything that goes with them. The Senate owes him a deep debt of gratitude, and I owe him a special one.

Mr. SYMINGTON. Mr. President, I am very grateful for the remarks of the distinguished Senator from Mississippi, who is one of the most respected of all Members of this body. It was a privilege to try to do my best in service to him because of his temporary absence from the committee.

I have already expressed my deep appreciation to the Senator from South Carolina, but I join the able Senator from Mississippi in thanking the Senator from South Carolina also.

I am glad we now have passed this bill through the Senate.

Mr. THURMOND. Mr. President, I wish to express my deep appreciation to the distinguished and able Senator from Mississippi (Mr. STENNIS) for his kind remarks. I have been a member of the Committee on Armed Services since 1958, and I have never worked with a finer or abler chairman than the distinguished Senator from Mississippi. It has been a joy and a pleasure to work with him. He is a knowledgeable man and a fair man. He has made an outstanding chairman.

Again, I express my appreciation to the distinguished Senator from Missouri (Mr. SYMINGTON) for the fine leadership he has provided throughout the year and during this conference in particular, and for the fair manner in which he has handled the conference report.

Mr. SYMINGTON. I thank the distinguished Senator from South Carolina.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIAM L. SCOTT). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Indiana (Mr. HARTKE), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. JAVITS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from New York (Mr. JAVITS) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 69, nays 12, as follows:

#### [No. 476 Leg.]

#### YEAS—69

Alken	Griffin	Pearson
Allen	Hansen	Randolph
Bartlett	Hart	Ribicoff
Bayh	Haskell	Roth
Beall	Hathaway	Saxbe
Bellmon	Helms	Schweiker
Bennett	Hollings	Scott, Hugh
Bible	Hruska	Scott,
Brock	Humphrey	William L.
Buckley	Inouye	Sparkman
Burdick	Jackson	Stafford
Byrd, Robert C.	Johnston	Stennis
Cannon	Kennedy	Stevens
Case	Long	Stevenson
Chiles	Magnuson	Symington
Cook	Mathias	Taft
Cranston	McClellan	Talmadge
Curtis	McClure	Thurmond
Dole	McIntyre	Tower
Domenici	Metcalfe	Tunney
Eagleton	Mondale	Williams
Fannin	Moss	Young
Fong	Muskie	
Gravel	Nunn	

#### NAYS—12

Abourezk	Fulbright	Mansfield
Biden	Hatfield	Nelson
Church	Huddleston	Pell
Clark	Hughes	Proxmire



## NOT VOTING—19

Baker	Eastland	McGovern
Bentsen	Ervin	Montoya
Brooke	Goldwater	Packwood
Byrd	Gurney	Pastore
Harry F., Jr.	Hartke	Percy
Cotton	Javits	Weicker
Dominick	McGee	

So the conference report (H.R. 9286) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SYMINGTON. I move to lay that motion on the table. The motion to lay on the table was agreed to.

## EXPLANATION OF VOTE

Mr. CHURCH. Mr. President, I voted "no" on this conference report, because I believe it to be an abuse of discretion for the conferees to agree upon a bill that substantially exceeds the amounts authorized by the House of Representatives and the Senate, when each body considered the bill and voted separately on the total to be authorized.

In reporting back from conference a final version of the bill which is larger than either body approved, the conferees have set themselves above the two Houses of Congress they were supposed to represent.

I cannot accede to this arrogation of power, and I regret that the Senate has voted to acquiesce in it.

## INVOLVEMENT OF U.S. MILITARY FORCES IN SOUTHEAST ASIA

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives.

The Presiding Officer laid before the Senate House Concurrent Resolution 373, which was read as follows:

*Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes, is authorized and directed to make the following corrections:*

(1) Immediately after section 805, insert the following new section:

"Sec. 806. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress."

(2) Redesignate sections 806 through 818 as sections 807 through 819, respectively.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to its consideration.

The PRESIDING OFFICER. The ques-

tion is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 373) was agreed to.

## RESUMPTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that there now be a resumption of routine morning business, with statements limited therein to 3 minutes, with the period for morning business not to extend beyond 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes today.

## SUPPORT FOR OVERRIDING THE PRESIDENT'S VETO OF WAR POWERS RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent that a letter sent to all our Senate colleagues by me and Senator MUSKIE urging them to vote to override President Nixon's veto of the war powers resolution (H.J. Res. 542) be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR COLLEAGUE: The President's veto of H.J. Res. 542, the War Powers Resolution, is no less dismaying because it was anticipated. The veto should be overridden by the Congress.

It is especially regrettable that the veto message shows no forward movement in the position of the Administration from what it was when Congress first initiated the legislative process almost three and a half years ago, which culminated in H.J. Res. 542. The veto message reflects the same rigid opposition to reform in the war powers field and puts forward the same dogmatic arguments for the "Imperial Presidency" as the President's spokesmen have in the hearings conducted in the Senate and the House over the past three years.

One may wonder how the White House could have so isolated itself as to be so unaware of and so insensitive to the logic of history and the demands of our people—which have culminated in the War Powers Resolution adopted by such overwhelming votes in both Houses of Congress. One searches the veto message in vain for evidence of awareness of the historic hearings conducted in the Senate Foreign Relations Committee and the House Foreign Affairs Committee, of the floor debates in both Houses, of the testimony of the nation's leading constitutional authorities, of the attention devoted to the war powers issue in the press and the media, and of the editorials from all over the nation supporting the war powers bill.

Indeed, the veto message simply disregards

key provisions of the bill and fails to respond to the arguments in the great national debate which has been conducted respecting the war powers and the Constitution, in and out of the Congress over the past three years. Among the provisions of the bill the veto message disregards are those leaving free to the President general military deployment—what the President in the message calls "subtle shifts". If such deployments are significant in scope, they are subject only to reporting to the Congress. The message ignores the fact that whatever constitutional power the President has, is not taken away, e.g., in protecting U.S. nationals abroad, but only when it leads to war or imminent danger of war does the bill become operative.

Particularly inadequate are the veto message's statements respecting the constitutional questions. For, contrary to the assertions in the veto message, it is indisputable that the Founding Fathers, in drafting the Constitution, took more care to lodge the war powers in the Congress than was devoted to any other single issue. This is clearly manifested in the text of Article I, Section 8 giving the Congress all the appropriate powers—including the "necessary and proper" clause. And, the clear intention of the Founding Fathers in this regard is massively documented in the debates of the Constitutional Convention, in the Federalist Papers and other documents of the period, as well as in the practice of our government—both in the executive and legislative branches—throughout the Federal period.

It is particularly noteworthy that in using the words "foreign affairs" interchangeably with "war powers" to describe the powers dealt with by the vetoed bill, the veto message unwittingly, yet overtly, betrays the inclination of our recent Presidents to think of power in foreign policy as synonymous with power in war-making. This is precisely the attitude which continued the Vietnam war—a war which has deeply and grievously damaged the whole structure of our society, and which has made the war powers bill properly the first priority item on the agenda of national post-Vietnam rehabilitation.

The veto message alleges that the war powers bill seeks to accomplish objectives which ought to be accomplished by constitutional amendment. Administration spokesmen put forward this spurious argument during the Senate floor debates in 1972 and 1973. It is an argument which has been demolished in the Congressional hearings, and outside them, by our nation's leading constitutional authorities and historians. It is sobering to confront such a charge respecting legislation which seeks to restore to the Congress constitutional powers which have been wrested from it by activist Presidents. If the Congress cannot reclaim through legislation authority explicitly given to it by the Constitution, how much less is the Presidency entitled to acquire constitutional authority through unilateral, preemptive acts! By what logic must the Congress pass a constitutional amendment to reclaim its own constitutional powers?

Another of the central arguments of the veto message similarly stands the Constitution on its head. It argues that the Congress ought to have to pass a law in each instance in order to prevent a President from plunging the nation into war without the concurrence of the Congress, and therefore that the 60-day automatic cutoff of Presidential authority in war-making is unconstitutional. According to this logic must the Congress begin each legislative day by making a Declaration of No War? The Constitution gives to the Congress the power to declare war, which is the operative juridical act. Hence, whatever the act of Congress may be called, it is required if our nation is to change from a state of peace to a state of war. The Congress is not obligated to

declare or authorize war if requested by a President—and certainly is not obligated to make a Declaration of No War in order to keep a President from making war on his own.

And yet, the White House now argues that the Congress can only restrain a war-making President through legislation which requires the President's signature and is subject to his veto! To our knowledge no one has yet discovered any word or phrase in the Constitution conferring upon the President the power to make war for as long as he can muster the support of one-third plus one vote of either House of Congress—which is all he needs to sustain a veto.

This, truly, is an assertion right out of the doctrine of the Imperial presidency.

The veto message contends also without substantiation that the war powers bill would have prevented the successful diplomacy of President Kennedy's Administration respecting the Berlin crisis of 1961 and the Cuba missile crisis of 1962. But, McGeorge Bundy, who occupied the position of Dr. Kissinger in the Kennedy Administration, specifically refuted this contention respecting the Cuba missile crisis when he testified before the Senate Foreign Relations Committee in 1971. Moreover, we know of no actions—diplomatic or military deployment—taken in the Berlin, Congo or Jordanian crisis which would not have been possible under the war powers bill. Efforts to elicit from the Administration facts and evidence supporting such claims have always gone unanswered. One can only conclude that they reflect a failure to consider the war powers bill—or that they are purely rhetorical arguments.

Nothing in the War Powers Resolution could have hampered the President in his handling of the recent Middle East crisis. The bill would have allowed the President to put our Armed Forces on alert, to order movements of our fleets and to resupply the Israelis with military equipment. The bill would have required the President only to report to the Congress within 48 hours in writing with respect to the deployment of U.S. Armed Forces in foreign territory, airspace and waters. It is important to note that during the recent crisis at no point were United States Armed Forces engaged in hostilities or in situations where imminent involvement in hostilities was clearly indicated by the circumstances. The actions taken by the President related solely to the state of readiness of U.S. Armed Forces and did not involve the provisions of this bill.

The veto message claims that the war powers bill "would seriously undermine this nation's ability to act decisively and convincingly in times of international crisis" and that it would diminish the confidence of our allies and lessen the respect of our adversaries.

Quite the opposite is true—for every nation in the world knows now, if it did not before the Vietnam war, that the President cannot commit this nation to a determined war struggle without the concurrence of the Congress; and that, without the concurrence of the Congress, even the President's *de facto* authority falls short of adequate effectiveness. By establishing a procedure wherein the concurrence of the Congress (or its non-concurrence) is plainly established, the war powers bill will bring much needed decisiveness and stability to the conduct of our nation's foreign affairs insofar as it relates to the war power.

The dangerous erosion of confidence and respect for our nation's conduct which developed on every continent during the Vietnam war is evidence of the price which our nation and the structure of world peace is required to pay when efforts are made to conduct Pres-

idential war, which lacks the legitimacy which can alone be derived from Congressional concurrence.

The lesson of the legitimacy of making war, for the American people and for the world, is the crux of the issue. The recent lesson of the Presidential air war against Cambodia with all its dangers and deceptions is there for every American to see.

In another of its inaccuracies, the veto message alleges that the war powers bill would prohibit the fulfillment of our treaty obligations under the NATO Treaty. This is an assertion exactly contrary to fact. For, the fact is that Article 11 of the NATO Treaty specifically provides that all provisions of the treaty will be carried out in accordance with the constitutional processes of the signatory nations. Under the United States Constitution affirmative action by both Houses of Congress is required to commit our nation to war. This Constitutional process cannot be altered by a treaty.

This very point was made clear during the Senate debate on the ratification of the NATO Treaty in 1949. And, this position was confirmed by the State Department at that time, and was reconfirmed by the State Department in a legal memorandum submitted to the Senate Foreign Relations Committee in 1972. Also the bill confirms in Section 8(b) specifically U.S. participation in the joint command with other NATO members.

In its latter portion, the veto message contains several paragraphs of excellent sounding rhetoric concerning the "fullest cooperation between the Congress and the Executive" and "regularized consultations". Such sentiments are welcomed, indeed, but they are belied by the actual experience of recent years—for example, respecting Laos and Cambodia.

Moreover, the insupportable claims respecting "executive privilege" and "separation of powers" which are put forth regularly in the courts by the President's lawyers to justify refusal to provide information to the Congress, and to the courts, vitiate the veto message's implied suggestion that the Congress content itself with a bill which requests after-the-fact reports from the executive branch concerning war-making actions taken by the President.

Finally, the veto message suggests that the war powers bill should be shelved in favor of an administration proposal for a national study commission. Clearly, the Congress cannot abdicate its constitutional and legislative responsibilities to a study commission especially when considered in connection with the consideration of the war powers bill for the last three years—itsself quite a "study commission". Moreover, assuming that the study commission proposal is one which is put forward in good faith and not as a way to sidetrack the issue, the appointment of such a commission, rather than an override of the veto, simply accepts the President's interpretation of the Constitution and shackles the Congress in getting back any real control over the war power for yet a considerable time longer.

Accordingly, we urge you to vote to override the President's veto of H.J. Res. 542, the War Powers Resolution. Similar appeals are being made by Congressman Zablocki and Chairman Morgan in the House of Representatives.

Sincerely,

JACOB K. JAVITS,  
EDMUND S. MUSKIE.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 5, 1973, he pre-

sented to the President of the United States the following enrolled bill:

S. 2410. An act to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

#### ORDER FOR ADJOURNMENT TO WEDNESDAY, NOVEMBER 7, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. Wednesday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day this order was modified to provide for the Senate to convene at 12 o'clock noon on Wednesday.)

#### ORDER FOR RECOGNITION OF SENATOR MCGOVERN ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on the day the Senate next meets, the distinguished Senator from South Dakota (Mr. McGOVERN) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of Mr. McGOVERN, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR RECOGNITION OF SENATOR GRIFFIN AND SENATOR ROBERT C. BYRD ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of Mr. McGOVERN, and prior to the period for the transaction of routine morning business, the distinguished assistant Republican leader (Mr. GRIFFIN) be recognized for not to exceed 15 minutes and that I then be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.



## LEAVE OF ABSENCE

Mr. CURTIS. Mr. President, I ask unanimous consent, under the provisions of rule V, that I be excused from the sessions of the Senate while I attend as a designee from the Senate, the Food and Agricultural Organization meeting in Rome, Italy. The meeting will be in session from November 10 until November 29, 1973.

I shall leave here on Friday with the Secretary of Agriculture who is going to attend an International Meeting on Soybeans to be held at Munich, Germany. That meeting will be of great importance to all rural and agricultural areas of our Nation.

I therefore ask unanimous consent that I be excused from attending sessions of the Senate from Thursday, November 8, 1973, for the duration of the Food and Agricultural Organization meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair.

The motion was agreed to; and at 2:50 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:54 p.m., when called to order by the Presiding Officer (Mr. WILLIAM L. SCOTT).

## ORDER FOR ADJOURNMENT UNTIL 12 NOON ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Wednesday the Senate will convene at 12 o'clock noon.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Messrs. McGOVERN, GRIFFIN, and ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. President, the conference report on S. 1081, the rights-of-way across Federal lands measure—the so-called Alaska pipeline bill—is expected to be available on Wednesday following action by the House of Representatives, which is likewise contemplated on Wednesday. The distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) has indicated to me by telephone that he would expect a ye-and-nay vote on the adoption of that conference report. Senators, therefore, may be sure—I think I ought to assure them—that there will be a ye-and-nay vote on that conference report.

Other conference reports may be available and ready for action on Wednesday, and they, being privileged matters, of course can be called up. There may be other bills on the calendar that will have been cleared by Wednesday for action, so Senators can be sure of at least one ye-and-nay vote on Wednesday and possibly others.

The leadership expresses the hope that Senate conferees on bills, that are in conference, will press to make progress with the conferees of the other body, so that the Senate can give these conference reports final action.

Mr. President, that pretty well sums it up.

## ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 o'clock noon on Wednesday.

The motion was agreed to; and at 2:56 p.m. the Senate adjourned until Wednesday, November 7, 1973, at 12 meridian.

## NOMINATIONS

Executive nominations received by the Senate November 5, 1973:

## DEPARTMENT OF STATE

The following-named persons for appointment to the offices indicated:

William H. Donaldson, of New York, to be Under Secretary of State for Coordinating Security Assistance Programs;

L. Dean Brown, of the District of Columbia, a Foreign Service Officer of the Class of Career Minister, to be Deputy Under Secretary of State;

Carlyle E. Maw, of New York, to be Legal Adviser of the Department of State;

John M. Thomas, of Iowa, a Foreign Service Officer of Class One, to be an Assistant Secretary of State;

Robert Stephen Ingersoll, of Illinois, to be an Assistant Secretary of State.

## FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

Robert W. McVay, of Missouri, to be a Member of the Federal Metal and Nonmetallic Mine Safety Board of Review for the term expiring September 15, 1978. (Reappointment)

## WITHDRAWAL

Executive nomination withdrawn from the Senate November 5, 1973:

## DEPARTMENT OF STATE

G. McMurtrie Godley, of the District of Columbia, a Foreign Service Officer of the Class of Career Minister, to be an Assistant Secretary of State, which was sent to the Senate on March 16, 1973.

## EXTENSIONS OF REMARKS

GERALD R. FORD

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ARENDS. Mr. Speaker, I am pleased to insert in the RECORD for the benefit of all the forthright and direct statement made by our colleague, GERALD R. FORD, before the Senate Committee on Rules and Administration.

After reading the statement, I am sure everyone will feel as I do that these are the views of a dedicated American and that his nomination by the President to fill the office of Vice President is indeed an excellent choice. The statement follows:

STATEMENT BY THE HONORABLE  
GERALD R. FORD

This is a new experience for me. I realize it is also a new experience for you, and for the American people. I feel that I am among

friends. However, I ask you only to treat me as true friends treat one another, with directness, with candor, without favor and without guile, in full and mutual awareness of the solemn oath we have all taken to the Constitution and our responsibility to the people of this great Republic.

Before going further, I must add my gratitude to the two distinguished Senators who ably represent my home State in the United States Senate. Together, Phil Hart, Bob Griffin and I have spent a combined total of 57 years in Washington trying to outdo one another in doing things for Michigan—and none of us is ready to concede that contest yet. But I want to take this opportunity to acknowledge publicly, before trying to exchange a vote for a gavel, that Michigan and Grand Rapids have given me far more than I could ever give them.

Yet I am deeply conscious that today the Congress and the citizens we represent are embarking upon an historic voyage into uncharted waters. I come before you as the nominee of the President to fill a vacancy in the office of Vice President of the United States under the provisions of the 25th Amendment to the Constitution, for which 65 Senators and 368 Members of the House

voted in 1965 and which the Legislatures of 48 States subsequently ratified.

I might note that the State where I was born, Nebraska, was the first to ratify the 25th Amendment.

As you might guess, I have recently reviewed the debate on the 25th Amendment and there is little doubt that most of our attention in framing it was centered on the question of Presidential succession, on filling a vacancy in the Presidency.

Section 2, which dealt with the problem of filling a vacancy in the Vice Presidency, was a subsidiary issue in our minds, despite the fact that on 16 previous occasions, for a total of 37 years in our Constitutional history, the nation has been without a Vice President.

Vice Presidents have died and they have resigned, but our circumstances today are unprecedented. Until now they have always been elected, at first separately but most of the time together with the President, by an Electoral College chosen for that purpose by all the people. One Vice President, Richard Mentor Johnson, was elected by the Senate in 1837 under the 12th Amendment when the electoral vote was tied.

This is the first time in history that both